



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Don Codrington Lib
\$R. 50. a. 1.

THIS BOOK IS PRESENTED
TO RHODES HOUSE LIBRARY
BY

Codrington Library.



L.L

Ow. Jamaica
T. & C. 20
1862

X Cw. Turks & C.
20
1862

524. 5. 3

Presented to the Library
of All Souls College
by

(H. R. Barts
(Grand Juror) - Juror - (Cairo Island)
Oct. 11 1886

L A W S
OF
THE TURKS AND CAICOS ISLANDS;

COMPRISING THE IMPERIAL STATUTES, ACTS OF THE GENERAL
ASSEMBLY OF THE BAHAMA ISLANDS,

EXTENDED TO THIS PRESIDENCY,

And Ordinances Enacted by the Legislative Council of the Same,

IN FORCE AT THE DATE OF THE PUBLICATION OF THIS WORK.

COLLECTED AND ARRANGED IN TEN PARTS, ACCORDING TO THE ORDER OF SUBJECTS,

WITH AN APPENDIX,

BY THE

HONOURABLE ALFRED JOHN DUNCOMBE, Esq.,

CHIEF JUSTICE OF THE PRESIDENCY.

UNDER THE AUTHORITY OF

HIS HONOUR WILLIAM ROBERT INGLIS, Esq.,

PRESIDENT OF THE COLONY.

IN ONE VOLUME.

LONDON:
SAUNDERS, OTLEY, AND CO.,
66 BROOK STREET, HANOVER SQUARE.
1862.



LONDON : PRINTED BY WILLIAM CLOWES AND SONS, STAMFORD STREET.

CONTENTS.

PART I.

Laws which declare the Separation of the Turks and Caicos Islands from the Government of the Bahamas, establish a Separate Government therein, and define its Constitution—

	PAGE
No. 1. Bahama Act, 11 Vic., c. 1	1
" 2. Order in Council, No. 1	5
" 3. Order in Council, No. 2	7
" 4. The Charter	11

PART II.

Laws extending the Common and certain Parts of the Statute Law of England, and certain Acts of the General Assembly of the Bahama Islands, to the Turks and Caicos Islands—

CLASS I.

Division I. } No. 1. Bahama Act, 40 Geo. III., c. 2	16
" 2. " " 10 Geo. IV., ch. 11	29
" 3. " " 3 Vic., ch. 1	30
" 4. " " 3 Vic., ch. 33	30
" 5. " " 4 Vic., ch. 23	31
" 6. " " 4 Vic., ch. 30	31
" 7. " " 7 Vic., ch. 15	32
" 8. " " 9 Vic., ch. 9	32
" 9. " " 10 Vic., ch. 7	33
" 10. " " 10 Vic., ch. 8	33
" 11. " " 11 Vic., ch. 1	28
" 12. Ordinance, No. 9, 1855	34
" 13. " No. 5, 1856	34

Division II.—Ordinances continuing certain Acts of the General Assembly of the Bahamas about to expire, and re-enacting others which had expired—

No. 14. Ordinance, No. 10, 1851	34
" 15. " No. 8, 1852	36
" 16. " No. 2, 1857	36

CLASS II.—Laws relating to the Legislative Powers of the Council, and other matters connected with the Representation of the People—

No. 1. Bahama Act, 11 Vic., c. 1	37
" 2. Order in Council, No. 2	38
" 3. The Charter. (See <i>ante</i> , p. 11.)	
" 4. Bahama Act, 47 Geo. III., c. 1	41
" 5. " " 50 Geo. III., c. 6	47

	PAGE
CLASS II.—No. 6. Bahama Act, 2 Geo. IV., c. 35	47
" 7. " " 4 Wm. IV., c. 3	48
" 8. " " 3 Vic., c. 39	48
" 9. " " 7 Vic., c. 9	49
" 10. " " 8 Vic., c. 11	50
" 11. Ordinance, No. 1, 1858	52
" 12. " No. 3, 1858	56
" 13. " No. 1, 1859	57
CLASS III.—Laws Removing Civil Disabilities from certain Classes of Persons—	
No. 1. Bahama Act, 10 Geo. IV., c. 11	58
" 2. " " 4 Wm. IV., c. 1	58
" 3. " " 5 Wm. IV., c. 9	59
CLASS IV.—Naturalization of Aliens—	
No. 1. Bahama Act, 11 Vic., c. 4	60
CLASS V.—Friendly Societies—	
No. 1. Bahama Act, 5 Wm. IV., c. 10	62
" 2. " " 10 Vic., c. 29	66
CLASS VI.—Wills and Estates of Persons Deceased—	
No. 1. Bahama Act, 50 Geo. III., c. 4	69
" 2. " " 53 Geo. III., c. 6	69
" 3. " " 4 Vic., c. 23	70
" 4. Ordinance, No. 5, 1856	77
" 5. " No. 4, 1860	79

PART III.

CLASS I.—Courts of Chancery and Ordinary—	
No. 1. Bahama Act, 40 Geo. III., c. 2	80
" 2. Ordinance, No. 3, 1849	80
" 3. " No. 5, 1849	81
" 4. " No. 2, 1850	81
CLASS II.—Court of Error—	
No. 1. Ordinance, No. 4, 1849	82
CLASS III.—Supreme Court, and Civil Proceedings therein—	
No. 1. Bahama Act, 10 Geo. IV., c. 8	83
" 2. " " 3 Vic., c. 33	84
" 3. " " 10 Vic., c. 30	92
" 4. " " 10 Vic., c. 32	94
" 5. " " 11 Vic., c. 27	95
" 6. Ordinance, No. 1, 1852	96
" 7. " No. 9, 1852	97
" 8. " No. 12, 1852	118
" 9. " No. 9, 1855	120
" 10. " No. 3, 1857	172
" 11. " No. 3, 1859	173
CLASS IV.—Juries—	
No. 1. Ordinance, No. 3, 1853	174
" 2. " No. 2, 1854	185
CLASS V.—Court of Wreck and Salvage Cases—	
No. 1. Ordinance, No. 6, 1860	186

CONTENTS.

v

CLASS VI.—Court for Adjudicating in cases of Petty Debts and Trespases—

No. 1. Bahama Act, 8 Vic., c. 30	...	...	...	188
" 2. " " 10 Vic., c. 20	...	...	...	189
" 3. " " 11 Vic., c. 3	...	...	...	190

PART IV.

CRIMINAL LAW.

CLASS I.—Treason—

No. 1. Bahama Act, 40 Geo. III., c. 2	196
---------------------------------------	-----	-----	-----	-----

CLASS II.—Criminal Law :—Piracy—

No. 1. Bahama Act, 40 Geo. III., c. 2	196 & 243
---------------------------------------	-----	-----	-----	-----------

CLASS III.—Criminal Law—Offences against the Person, and Malicious Injuries to Property—

No. 1. Bahama Act, 4 Wm. IV., c. 6	...	197, 210, &	213
" 2. " " 5 Wm. IV., c. 10	...	...	200 & 213
" 3. " " 4 Vic., c. 25	...	...	207
" 4. " " 4 Vic., c. 29	...	...	208
" 5. " " 6 Vic., c. 5	...	...	210
" 6. " " 10 Vic., c. 9	...	...	211
" 7. " " 11 Vic., c. 11	...	...	213

CLASS IV.—Criminal Law—Larceny—

No. 1. Bahama Act, 2 Vic., c. 5	...	...	...	215
" 2. " " 3 Vic., c. 35	...	...	...	231
" 3. " " 4 Vic., c. 27	...	...	...	232
" 4. " " 7 Vic., c. 16	...	...	...	234

CLASS V.—Criminal Law :—Forgery—

No. 1. Bahama Act, 4 Vic., c. 31	234
----------------------------------	-----	-----	-----	-----

CLASS VI.—Criminal Law :—Slander—

No. 1. Ordinance, No. 6, 1856	237
-------------------------------	-----	-----	-----	-----

CLASS VII.—Criminal Proceedings in the Supreme Court—

No. 1. Bahama Act, 4 Wm. IV., c. 25	...	...	...	238
" 2. " " 4 Vic., c. 30	...	...	...	243
" 3. " " 8 Vic., c. 4	...	...	...	243 & 284
" 4. Statute 12 & 13 Vic., c. 96	...	...	...	243
" 5. Ordinance, No. 13, 1852	...	...	...	245
" 6. " " No. 3, 1853	...	...	...	174 & 255
" 7. " " No. 2, 1854	...	...	...	185 & 255
" 8. " " No. 2, 1860	...	...	...	255

CLASS VIII.—Prison Discipline—

No. 1. Bahama Act, 6 Wm. IV., c. 15	257
-------------------------------------	-----	-----	-----	-----

CLASS IX.—Office of Coroner—

No. 1. Bahama Act, 8 Geo. IV., c. 9	...	...	...	259
" 2. " " 4 Wm. IV., c. 25	...	...	...	260
" 3. " " 4 Vic., c. 30	...	...	...	261
" 4. " " 10 Vic., c. 7	...	...	...	262

	PAGE
CLASS X.—Stipendiary Justices of the Peace and their Jurisdiction—	
No. 1. Bahama Act, 3 Vic., c. 1	262
" 2. " " 3 Vic., c. 86	268
" 3. Statute, 6 Geo. IV., c. 129 (as extended by 4 Vic., c. 1, sect 24)	268
" 4. Bahama Act, 3 Vic., c. 2	273
" 5. " " 3 Vic., c. 87	276
" 6. " " 7 Vic., c. 13	276
" 7. " " 8 Vic., c. 46	277
" 8. " " 3 Vic., c. 3	277
" 9. " " 3 Vic., c. 34	283
" 10. " " 9 Vic., c. 12	283
CLASS XI.—Laws relating to the Duties of Justices in the General Commission of the Peace—	
No. 1. Bahama Act, 8 Vic., c. 4	284
" 2. " " 10 Vic., c. 11	284 & 289
" 3. " " 11 Vic., c. 25.	284
" 4. Ordinance, No. 16, 1849	289
" 5. " No. 4, 1855	290
" 6. " No. 5, 1855	294
" 7. " No. 6, 1855	316
CLASS XII.—Police Regulations and Laws relating to Offences in which Justices of the Peace have Summary Jurisdiction—	339
Division I.—Aliens, Vagrants, and Lunatics—	
No. 1. Bahama Act, 4 Wm. IV., c. 11	339
Division II.—Unlawful Cutting of Timber—	
No. 2. Bahama Act, 4 Wm. IV., c. 32	341
" 3. " " 6 Wm. IV., c. 7... ..	343
Division III.—Retail of Spirituous Liquors—	
No. 4. Ordinance, No. 1, 1849	344
" 5. " No. 15, 1855	349
" 6. " No. 13, 1860	350
" 7. " No. 23, 1860	351
Division IV.—Gambling—	
No. 8. Ordinance, No. 17, 1860	352
Division V.—Cattle Acts and Amendments—	
No. 9. Bahama Act, 4 Vic., c. 11	353
" 10. " " 11 Vic., c. 8	356
" 11. Ordinance, No. 16, 1860	357
Division VI.—Cruelty to Animals—	
No. 12. Bahama Act, 4 Vic., c. 30	358
" 13. " " 7 Vic., c. 11	360
Division VII.—Hawking Goods—	
No. 14. Bahama Act, 9 Vic., c. 14	361
Division VIII.—Police Ordinances—	
No. 15. Ordinance, No. 12, 1855	364
" 16. " No. 7, 1856	371
CLASS XIII.—Health of Towns—	
No. 1. Ordinance, No. 10, 1852	372
CLASS XIV.—Militia and Volunteer Rifle Corps—	
No. 1. Ordinance, No. 4, 1854	377
" 2. " No. 5, 1859	386

PART V.

	PAGE
CLASS I.—Titles to Lands, &c.—	
No. 1. Ordinance, No. 8, 1855	... 393
" 2. " No. 2, 1856	... 398
" 3. " No. 8, 1857	... 398
" 4. " No. 9, 1857	... 399
CLASS II.—Registration of Deeds—	
No. 1. Bahama Act, 51 Geo. III., c. 15	... 401
" 2. " " 2 Geo. IV., c. 82	... 402
" 3. Ordinance, No. 3, 1852	... 403
" 4. " No. 4, 1859	... 410
CLASS III.—Quit Rents—	
No. 1. Bahama Act, 9 Vic., c. 10	... 410
CLASS IV.—Walls and Fences—	
No. 1. Bahama Act, 4 Wm. IV., c. 2	... 416
" 2. " " 2 Vic., c. 10	... 417
CLASS V.—Sale of Parsonage House—Grand Cay—	
No. 1. Bahama Act, 10 Vic., c. 5	... 418

PART VI.

CLASS I.—Births, Marriages, Deaths, &c.—	
No. 1. Bahama Act, 1 Vic., c. 4	... 419
" 2. " " 2 Vic., c. 13	... 420
" 3. Ordinance, No. 7, 1851	... 430
CLASS II.—Laws relating to the Clergy of the Church of England, and Parochial Matters—	
No. 1. Bahama Act, 6 Geo. IV., c. 12	... 430
" 2. Ordinance, No. 7, 1855	... 431
" 3. " No. 15, 1860	... 435
CLASS III.—Wesleyan Missionary Society—	
No. 1. Ordinance, No. 7, 1860	... 437
CLASS IV.—Poor-house and Hospital—	
No. 1. Ordinance, No. 13, 1855	... 438
CLASS V.—Education—	
No. 1. Ordinance, No. 4, 1853	... 439

PART VII.

CLASS I.—Public Market—	
No. 1. Bahama Act, 10 Vic., c. 6	... 442
CLASS II.—Weights and Measures—	
No. 1. Ordinance, No. 10, 1855	... 443
CLASS III.—Wharfage and Storage—	
No. 1. Bahama Act, 9 Vic., c. 8	... 444

PART VIII.

PAGE

LAWS RELATING TO TRADE AND REVENUE.

CLASS I.	Officers of Revenue Department and Collection of			
Division I.	Revenue—			
	Officers.—No. 1. Ordinance, No. 8, 1849	...	...	448
	" 2. " No. 4, 1851	...	...	457
	" 3. " No. 6, 1852	...	...	457
	" 4. " No. 7, 1857	...	...	459
Collection of Revenue.	" 5. " No. 7, 1849	...	...	459
	" 6. " No. 4, 1850	...	...	475
	" 7. " No. 1, 1855	...	...	477
	" 8. " No. 11, 1860	...	...	478
Division II.	Taxes—			
	No. 9. Bahama Act, 2 Vic., c. 6	...	...	479
	" 10. " " 9 Vic., c. 14	...	...	482
	" 11. Ordinance, No. 1, 1849	...	...	483
	" 13. " No. 11, 1855	...	...	483
	" 14. " No. 15, 1855	...	...	484
	" 15. " No. 6, 1860	...	...	484
	" 16. " No. 23, 1860	...	...	484
Division III.	Export and Import Trade—			
	No. 17. Bahama Act, 4 Vic., c. 24	...	...	484
	" 18. " " 4 Vic., c. 32	...	...	485
	" 19. " " 11 Vic., c. 2	...	...	486
	" 20. " " 11 Vic., c. 6	...	...	486
	" 21. Ordinance, No. 20, 1860	...	...	488
	" 22. " No. 26, 1860	...	...	493
CLASS II.	Laws which require the Payment of Fees into the Treasury in aid of Revenue—			
	No. 1. Ordinance, No. 1, 1852	...	...	493
	" 2. " No. 3, 1852	...	...	494
	" 3. " No. 7, 1852	...	...	494
	" 4. " No. 1, 1853	...	...	496
	" 5. " No. 12, 1855	...	...	497
CLASS III.	Seamen—			
	No. 1. Bahama Act, 4 Wm. IV., c. 15	...	...	497
	" 2. " " 2 Vic., c. 3	...	...	498
CLASS IV.	Wrecking Vessels—			
	No. 1. Ordinance, No. 6, 1860	...	...	506
CLASS V.	Lighthouse—			
	No. 1. Ordinance, No. 11, 1849	...	...	519
	" 2. " No. 7, 1850	...	...	521
	" 3. " No. 2, 1851	...	...	522

PART IX.

CLASS I.—Post Office—

No. 1. Ordinance, No. 5, 1854	...	...	...	523
" 2. " No. 19, 1860	...	...	...	524

CONTENTS.

ix

	PAGE
CLASS II.—Public Bank—	
No. 1. Ordinance, No. 9, 1860	527
" 2. " " No. 25, 1860	531
CLASS III.—Currency—	
No. 1. Bahama Act, 2 Vic., c. 4	532
" 2. " " 8 Vic., c. 49	533
CLASS IV.—Public Loans—	
No. 1. Ordinance, No. 1, 1851	534
CLASS V.—Rate of Interest—	
No. 1. Bahama Act, 41 Geo. III., c. 3	538
CLASS VI.—Reprint of Laws—	
No. 1. Ordinance, No. 5, 1860	539
CLASS VII.—Pensions—	
Division I.—Pensions to Widows and Orphans of Public Officers—	
No. 1. Bahama Act, 7 Vic., c. 23	541
" 2. " " 8 Vic., c. 42	542
" 3. Ordinance, No. 7, 1855	544
" 4. " " No. 4, 1857	544
Division II.—Retiring Allowances—	
No. 1. Ordinance, No. 22, 1860	545
CLASS VIII.—Annual Salaries—	
No. 1. Bahama Act, 3 Vic., c. 11	546
" 2. " " 3 Vic., c. 12	546
" 3. " " 10 Vic., c. 14	546
" 4. " " 11 Vic., c. 1	546
" 5. Ordinance, No. 8, 1849	546
" 6. " " No. 1, 1852	547
" 7. " " No. 7, 1852	547
" 8. " " No. 4, 1853	548
" 9. " " No. 5, 1854	548
" 10. " " No. 7, 1855	548
" 11. " " No. 12, 1855	548
" 12. " " No. 7, 1860	549
" 13. " " No. 9, 1860	549
" 14. " " No. 15, 1860	549
" 15. " " No. 19, 1860	549
" 16. " " No. 3, 1856	549

PART X.

MISCELLANEOUS LAWS.

No. 1. Bahama Act, 11 Vic., c. 7	551
" 2. Ordinance, No. 4, 1856 Abolition of unnecessary Oaths	552
" 3. " " No. 8, 1851 Public Library	553
" 4. " " No. 3, 1860 Census	555
" 5. " " No. 18, 1860 To prevent Encroachments of the Sea	555
6. " " No. 21, 1860 General Vaccination	557

CONTENTS OF THE APPENDIX.

	PAGE
No. 1. Statute, 4 Geo. IV., c. 48	563
" 2. " 4 Geo. IV., c. 52	564
" 3. " 7 and 8 Geo. IV., c. 18	564
" 4. " 9 Geo. IV., c. 32	565
" 5. " 10 Geo. IV., c. 7	566
" 6. " 2 and 3 Wm. IV., c. 71	578
" 7. " 3 and 4 Wm. IV., c. 27	580
" 8. " 3 and 4 Wm. IV., c. 106	590
" 9. " 6 and 7 Wm. IV., c. 111	593
" 10. " 6 and 7 Wm. IV., c. 114	594
" 11. " 7 Wm. IV., and 1 Vic., c. 28	594
" 12. " 7 Wm. IV., and 1 Vic., c. 88	595
" 13. " 4 and 5 Vic., c. 21	596
" 14. " 6 and 7 Vic., c. 96	597
" 15. " 8 and 9 Vic., c. 106	600
" 16. " 8 and 9 Vic., c. 119	602
" 17. " 9 and 10 Vic., c. 62	607
" 18. " 9 and 10 Vic., c. 93	607

CHRONOLOGICAL TABLE OF THE LAWS COMPRISED IN THIS WORK.

The subjoined marks in the column headed "Duration," denote as follows :

* After the date of duration—that the Act continues in force from such date to the end of the then next Session of the General Assembly.

† After the letters H. M. R.—That the Act will continue in force during the reign of Her present Majesty, and during the six months next succeeding the demise of the Crown.

Note.—Those Acts to which no date of duration is affixed in the column above mentioned, are in the nature of permanent laws, and will continue in force until repealed.

DATE.	WHERE INSERTED IN THIS WORK.	DURATION.
40 Geo. III., c. 2	Part II., Class I., p. 16. Part III., Class I., p. 80. Part IV., Class I., p. 196; and Class II., pp. 196 & 249.	
41 Geo. III., c. 3	Part IX., Class V., p. 538.	
47 Geo. III., c. 1	Part II., Class II., p. 41.	
50 Geo. III., c. 4	Part II., Class VI., p. 69.	
50 Geo. III., c. 6	Part II., Class II., p. 47.	
51 Geo. III., c. 15	Part V., Class II., p. 401.	
53 Geo. III., c. 6	Part II., Class VI., p. 69.	
2 Geo. IV., c. 32	Part V., Class II., p. 402.	
2 Geo. IV., c. 35	Part II., Class II., p. 47.	
6 Geo. IV., c. 12	Part VI., Class II., p. 430.	
8 Geo. IV., c. 9	Part IV., Class IX., p. 259.	
10 Geo. IV., c. 8	Part III., Class III., p. 83.	
10 Geo. IV., c. 11	Part II., Class I., p. 29. Part II., Class III., p. 58. Appendix, No. V.	
4 Wm. IV., c. 1	Part II., Class III., p. 58.	
4 Wm. IV., c. 2	Part V., Class IV., p. 416.	6th Nov., 1862.*
4 Wm. IV., c. 3	Part II., Class II., p. 48.	
4 Wm. IV., c. 6	Part IV., Class III., pp. 197, 210, 213.	
4 Wm. IV., c. 11	Part IV., Class XII., p. 339.	6th Nov., 1862.*
4 Wm. IV., c. 15	Part VIII., Class III., p. 497.	6th Nov., 1862.*
4 Wm. IV., c. 25	Part IV., Class VII., p. 238; and Part IX., p. 260.	
4 Wm. IV., c. 32	Part IV., Class XII., p. 341.	6th Nov., 1862.*
5 Wm. IV., c. 9	Part II., Class III., p. 59.	
5 Wm. IV., c. 10	Part II., Class V., p. 63, and Part IV., Class III., pp. 200 & 210.	
6 Wm. IV., c. 7	Part IV., Class XII., p. 343.	
6 Wm. IV., c. 15	Part IV., Class VIII., p. 257.	6th Nov., 1862.*
1 Vic., c. 4 ..	Part VI., Class I., p. 419.	
2 Vic., c. 3 ..	Part VIII., Class III., p. 498.	
2 Vic., c. 4 ..	Part IX., Class III., p. 532.	

DATE.	WHERE INSERTED IN THIS WORK.	DURATION.
2 Vic., c. 5 ..	Part IV., Class IV., p. 215.	
2 Vic., c. 6 ..	Part VIII., Class I., p. 479.	H. M. L.†
2 Vic., c. 10 ..	Part V., Class IV., p. 417.	6th Nov., 1862.*
2 Vic., c. 13 ..	Part VI., Class I., p. 420.	
3 Vic., c. 1 ..	Part II., Class I., p. 30; and Part IV., Class X., p. 262.	
3 Vic., c. 2 ..	Part IV., Class X., p. 273.	
3 Vic., c. 3 ..	Part IV., Class X., p. 277.	
3 Vic., c. 11 ..	Part IX., Class VIII., p. 546.	H. M. R.†
3 Vic., c. 12 ..	Part IX., Class VIII., p. 546.	H. M. R.†
3 Vic., c. 33 ..	Part II., Class I., p. 30; and Part III., Class III., p. 84.	
3 Vic., c. 34 ..	Part IV., Class X., p. 283.	
3 Vic., c. 35 ..	Part IV., Class IV., p. 231.	
3 Vic., c. 36 ..	Part IV., Class X., p. 268.	
3 Vic., c. 37 ..	Part IV., Class X., p. 276.	
3 Vic., c. 39 ..	Part II., Class II., p. 48.	
4 Vic., c. 11 ..	Part IV., Class XII., p. 353.	6th Nov., 1862.*
4 Vic., c. 23 ..	Part II., Class I., p. 31; and Class VI., p. 70.	
4 Vic., c. 24 ..	Part VIII., Class I., p. 484.	
4 Vic., c. 25 ..	Part IV., Class III., p. 207.	
4 Vic., c. 27 ..	Part IV., Class IV., p. 234.	
4 Vic., c. 29 ..	Part IV., Class III., p. 208.	
4 Vic., c. 30 ..	Part II., Class I., pp. 25, 26, 27, 30. Part IV., Class VII., p. 243, Class IX., p. 261; and Class XII., p. 358.	
4 Vic., c. 31 ..	Part IV., Class V., p. 234.	
4 Vic., c. 32 ..	Part VIII., Class I., p. 485.	
6 Vic., c. 5 ..	Part IV., Class III., p. 210.	
7 Vic., c. 11 ..	Part IV., Class XII., p. 360.	
7 Vic., c. 13 ..	Part IV., Class X., p. 276.	
7 Vic., c. 15 ..	Part II., Class I., p. 32. Appendix, No. VIII.	
7 Vic., c. 16 ..	Part IV., Class IV., p. 234.	
7 Vic., c. 23 ..	Part IX., Class VII., p. 541.	
8 Vic., c. 4 ..	Part IV., Class VII., p. 284; and Class XI., p. 284.	
8 Vic., c. 11 ..	Part II., Class II., p. 50.	
8 Vic., c. 30 ..	Part III., Class VI., p. 188.	
8 Vic., c. 42 ..	Part IX., Class VII., p. 542.	
8 Vic., c. 46 ..	Part IV., Class X., p. 277.	
8 Vic., c. 49 ..	Part IX., Class III., p. 533.	
9 Vic., c. 8 ..	Part VII., Class III., p. 444.	6th Nov., 1862.*
9 Vic., c. 9 ..	Part II., Class I., pp. 26, 27, 28, 32. Appen- dix, Nos. VI., VII., XI., XIII., and XV.	
9 Vic., c. 10 ..	Part V., Class III., p. 410.	
9 Vic., c. 12 ..	Part IV., Class X., p. 283.	
9 Vic., c. 14 ..	Part IV., Class XII., p. 361. Part VIII., Class I., p. 482.	6th Nov., 1862.*
10 Vic., c. 5 ..	Part V., Class V., p. 418.	
10 Vic., c. 6 ..	Part VII., Class I., p. 442.	
10 Vic., c. 7 ..	Part II., Class I., p. 33. Appendix, No. XVII.	
10 Vic., c. 8 ..	Part II., Class I., p. 33. Appendix, No. XIV.	
10 Vic., c. 9 ..	Part IV., Class III., p. 211.	
10 Vic., c. 11 ..	Part IV., Class XI., pp. 284 & 289.	
10 Vic., c. 14 ..	Part IX., Class VIII., p. 546.	H. M. R.†
10 Vic., c. 20 ..	Part III., Class VI., p. 189.	
10 Vic., c. 29 ..	Part II., Class V., p. 66.	
10 Vic., c. 30 ..	Part III., Class III., p. 92.	
10 Vic., c. 32 ..	Part III., Class III., p. 94.	

DATE.	WHERE INSERTED IN THIS WORK.	DURATION.
11 Vic., c. 1 ..	Part I., Class I., p. 1. Part II., Class I., p. 28.; Class II., p. 37. Part IX., Class VIII., p. 546.	6th Nov., 1862.*
11 Vic., c. 2 ..	Part VIII., Class I., p. 486.	
11 Vic., c. 3 ..	Part III., Class VI., p. 190.	
11 Vic., c. 4 ..	Part II., Class IV., p. 60.	
11 Vic., c. 6 ..	Part VIII., Class I., p. 486.	
11 Vic., c. 7 ..	Part X., No. 1, p. 552.	
11 Vic., c. 8 ..	Part IV., Class XII., p. 356.	
11 Vic., c. 11 ..	Part IV., Class III., p. 213.	
11 Vic., c. 25 ..	Part IV., Class XI., p. 284.	
11 Vic., c. 27 ..	Part III., Class III., p. 95.	
Order in Council		
No. 1,	Part I., No. 2, p. 5.	
" 2,	Part I., No. 3, p. 7. Part II., Class II., p. 38.	
The Charter ..	Part I., No. 4, p. 11. Part II., Class II., p. 41.	
Ordinance, 1849.		
No. 1,	Part IV., Class XII., p. 344. Part VIII., Class I., p. 483.	
" 3,	Part III., Class I., p. 80.	
" 4,	Part III., Class II., p. 82.	
" 5,	Part III., Class I., p. 81.	
" 7,	Part VIII., Class I., p. 459.	
" 8,	Part VIII., Class I., p. 448. Part IX., Class VIII., p. 546.	
" 11,	Part VIII., Class V., p. 519.	
" 16,	Part IV., Class XI., p. 289.	
Ordinance, 1850.		
No. 2,	Part III., Class I., p. 81.	
" 4,	Part VIII., Class I., p. 475.	
" 7,	Part VIII., Class V., p. 521.	
Ordinance, 1851.		
No. 1,	Part IX., Class IV., p. 534.	
" 2,	Part VIII., Class V., p. 522.	
" 4,	Part VIII., Class I., p. 457.	
" 7,	Part VI., Class I., p. 430.	
" 8,	Part X., No. 3, p. 553.	
" 10,	Part II., Class I., p. 34.	
Ordinance, 1852.		
No. 1,	Part III., Class III., p. 96. Part VIII., Class II., p. 493. Part IX., Class VIII., p. 547.	
" 3,	Part V., Class II., p. 403. Part VIII., Class II., p. 494.	
" 6,	Part VIII., Class I., p. 457.	
" 7,	Part VIII., Class II., p. 494. Part IX., Class VIII., p. 547.	
" 8,	Part II., Class I., p. 36.	
" 9,	Part III., Class III., p. 97.	
" 10,	Part IV., Class XIII., p. 372.	
" 12,	Part III., Class III., p. 118.	
" 13,	Part IV., Class VII., p. 245.	
Ordinance, 1853.		
No. 1,	Part VIII., Class II., p. 496.	
" 3,	Part III., Class II., p. 174. Part IV., Class VII., p. 255.	

DATE.	WHERE INSERTED IN THIS WORK.	DURATION.
Ordinance, 1853. No. 4. . . .	Part VI., Class V., p. 439. Part IX., Class VIII., p. 548.	
Ordinance, 1854. No. 2. . . .	Part III., Class IV., p. 185. Part IV., Class VII., p. 255.	
" 4. . . .	Part IV., Class XIV., p. 377.	
" 5. . . .	Part IX., Class I., p. 523; and Class VIII., p. 548.	
Ordinance, 1855. No. 1. . . .	Part VIII., Class I., p. 477.	
" 4. . . .	Part IV., Class XI., p. 290.	
" 5. . . .	Part IV., Class XI., p. 294.	
" 6. . . .	Part IV., Class XI., p. 316.	
" 7. . . .	Part VI., Class II., p. 431. Part IX., Class VII., p. 544; and Class VIII., p. 548.	
" 8. . . .	Part V., Class I., p. 393.	
" 9. . . .	Part II., Class I., p. 34. Part III., Class III., p. 120.	
" 10. . . .	Part VII., Class II., p. 443.	
" 11. . . .	Part VIII., Class I., p. 483.	
" 12. . . .	Part IV., Class XII., p. 364. Part VIII., Class II., p. 497. Part IX., Class VIII., p. 548.	
" 13. . . .	Part VI., Class IV., p. 438.	
" 15. . . .	Part IV., Class XII., p. 349. Part VIII., Class I., p. 484.	
Ordinance, 1856. No. 2. . . .	Part V., Class I., p. 398.	
" 3. . . .	Part IX., Class VIII., p. 549.	
" 4. . . .	Part X., No. 2, p. 552.	
" 5. . . .	Part II., Class I., p. 34; and Class VI., p. 77.	
" 6. . . .	Part IV., Class VI., p. 237.	
" 7. . . .	Part IV., Class XII., p. 371.	
Ordinance, 1857. No. 2. . . .	Part II., Class I., p. 36.	
" 3. . . .	Part III., Class III., p. 172.	
" 4. . . .	Part IX., Class VII., p. 544.	
" 7. . . .	Part VIII., Class I., p. 459.	
" 8. . . .	Part V., Class I., p. 398.	
" 9. . . .	Part V., Class I., p. 399.	
Ordinance, 1858. No. 1. . . .	Part II., Class II., p. 52.	
" 3. . . .	Part II., Class II., p. 56.	
Ordinance, 1859. No. 1. . . .	Part II., Class II., p. 57.	
" 3. . . .	Part III., Class III., p. 173.	
" 4. . . .	Part V., Class II., p. 410.	
" 5. . . .	Part IV., Class XIV., p. 386.	
Ordinance, 1860. No. 2. . . .	Part IV., Class VII., p. 255.	
" 3. . . .	Part X., No. 4, p. 555.	
" 4. . . .	Part II., Class VII., p. 79.	
" 5. . . .	Part IX., Class VI., p. 539.	
" 6. . . .	Part III., Class V., p. 186. Part VIII., Class I., p. 484; and Class IV., p. 506.	

DATE.	WHERE INSERTED IN THIS WORK.	DURATION.
Ordinance, 1860.	Part VI., Class III., p. 437. Part IX., Class VIII., p. 549.	5th Sept., 1865.*
No. 7,	Part IX., Class II., p. 527 ; and	
" 9,	Class VIII., p. 549.	
" 11,	Part VIII., Class I., p. 478.	
" 13,	Part IV., Class XII., p. 350.	
" 15,	Part VI., Class II., p. 435. Part IX., Class VIII., p. 549.	
" 16,	Part IV., Class XII., p. 357.	
" 17,	Part IV., Class XII., p. 352.	
" 18,	Part X., No. 5, p. 555.	
" 19,	Part IX., Class I., p. 525, and Class VIII., p. 549.	
" 20,	Part VIII., Class I., p. 488.	
" 21,	Part X., No. 6., p. 557.	
" 22,	Part IX., Class VII., p. 545.	
" 23,	Part IV., Class XII., p. 351. Part VIII., Class I., p. 484.	
" 25,	Part IX., Class II., p. 531.	21st Feb., 1866.
" 26,	Part VIII., Class I., p. 493.	

LAWS

OF

THE TURKS AND CAICOS ISLANDS.

PART I.

LAWS WHICH DECLARE THE SEPARATION OF THE
TURKS AND CAICOS ISLANDS FROM THE GOVERN-
MENT OF THE BAHAMAS, ESTABLISH A SEPARATE
GOVERNMENT THEREIN, AND DEFINE ITS CONSTI-
TUTION.

- No. 1.—BAHAMA ACT, 11 VIC. c. 1.
2.—ORDER IN COUNCIL, No. 1.
3.—ORDER IN COUNCIL, No. 2.
4.—THE CHARTER.

No. 1.—ACT OF THE GENERAL ASSEMBLY OF THE
BAHAMAS. 11 Vic. ch. 1.

No. 1.
Act 11 Vic.
c. 1.

*An Act to authorize the Separation of the Islands commonly called
the Turks Islands, and the other Islands therein mentioned,
from the Bahama Government. (March 22nd, 1848.)*

WHEREAS, five hundred and twenty-one inhabitants of the
Turks Islands, in general meeting assembled, on the
eighteenth day of December last past, did agree to and subscribe
a petition, addressed to the Speaker and Members of the House of
Assembly of the Bahamas, setting forth: That, in consequence of
the great distance of the Turks Islands from the seat of Govern-
ment, together with the attendant difficulties of intercommunica-
tion, and the conflicting interests between those islands and others
in the colony, arising from a difference in their productions, and
in the character of their commerce, rendering general legislation
inapplicable, and, therefore, in its operation, necessarily unequal;
that the petitioners, firmly believing that the only remedy that

PREAMBLE.

Referring to
Petition of in-
habitants of
Turks Islands
for a separate
Government,

B

No. 1.
Act 11 Vic.
c. 1.

And reciting

Despatch from
the Secretary
of State for the
Colonies,
stating the
principles
upon which
Her Majesty's
Government
will consent to
the separation
of Turks Is-
lands from the
Bahama Go-
vernment.

(1)

(2)

(3)

(4)

could be provided for meeting the necessities of their case consisted in obtaining a local Government at the Turks Islands, separate and distinct from the Government established in the Island of New Providence, humbly laid their claims for separation before Her Majesty; that, in answer to the said application, the petitioners had been informed that Her Majesty's Government were prepared to sanction the erecting of the Turks Islands into a distinct Government, upon certain conditions and stipulations to be submitted for the consideration of the House of Assembly, and praying the House would accede to their desire for a separate Government, on such a basis, and upon such a division of the public debt of the Colony, as might seem proper to Her Majesty's Government. And whereas, in and by a Despatch from the Right Honourable Earl Grey, your Majesty's Principal Secretary of State for the Colonies, addressed to His Excellency George Benvenuto Mathew, your Majesty's Governor and Commander-in-Chief of these Islands, and by His Excellency laid, during the present session, before the House of Assembly, it appears that your Majesty's Government are favourable to the separation of the said Turks Islands from the Bahama Government, on certain principles and stipulations mentioned and set forth in such despatch, that is to say: That the legislative authority in the said Turks Islands should be intrusted to a President administering the Government, who should have a casting vote in a council of eight besides himself, four of whom should be nominated by the Crown to sit during Her Majesty's pleasure, and four elected by a majority of those of the taxpayers who are able to read and write.

Second. That such a division of the debt of the Bahamas should be made which would allot to the Turks Islands a portion of the debt, bearing the same proportion to the whole debt which the revenue of the Turks Islands, on an average of the last five years, bears to the whole colonial revenue on a similar average.

Third. A salary of Eight hundred pounds should be assigned from the Turks Islands revenue, for the remuneration of a President administering the Government; and

Fourthly. That the Government of the said Turks Islands should be administered under the superintendence of the Governor of Jamaica.

And whereas, we, your Majesty's dutiful and loyal subjects, the Assembly of the Bahama Islands, from feelings of loyalty and attachment to your Majesty's person and Government, are willing to accede to the separation of the said Turks Islands from the Bahama Government as a measure recommended by your Majesty's Government, and in full reliance that your Majesty's Government will enforce, on the part of the inhabitants of the islands by this Act severed from the Bahama Government, the due payment of the sum of money hereinafter mentioned to be payable by the inhabitants of the said islands as their portion of the debt of the Colony, with all interest to grow due and accrue thereon;

Enactment.

May it therefore please your Majesty, That it may be enacted, and be it enacted by His Excellency George Benvenuto Mathew, Esquire, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said islands, and it is hereby enacted and ordained by the authority of the same, that from and after the commencement of this Act, the Islands of Grand and Salt Cay, together with the small islands and

cays immediately adjacent thereto, and which, together with the said islands of Grand and Salt Cay, are commonly known and designated as "The Turks Islands," and the islands and cays commonly known and designated as the "Caicos Islands," together with all banks and cays situate, lying, and being to the eastward of the said Turks Islands, and Caicos Islands, and comprised within, or deemed part of, or appertaining to, your Majesty's Bahama Islands, shall cease to be component parts of the Bahama Government, and all Acts of the General Assembly of the Bahama Islands in force at the time of the commencement of this Act, save and except this Act, and the several Acts hereinafter particularly designated, shall, from thenceforth, cease to be in force within, or have reference to, the said Turks Islands and Caicos Islands.

II. And be it enacted, That the said Turks Islands and Caicos Islands, from and after the commencement of this Act, shall be subject to the supervision of such other Colonial Government as Her Majesty, her heirs or successors, by any Order in Council for that purpose made and issued, shall order, direct, and appoint.

III. And be it enacted, That from and after the commencement of this Act, the Government of the said Turks Islands and Caicos Islands shall be administered by a President to be appointed from time to time by Her Majesty, her heirs and successors, who shall hold his office during pleasure.

IV. And be it enacted, That from and after the commencement of this Act, the legislative authority in the said Turks Islands and Caicos Islands, shall be vested in the President administering the Government, and a Council of eight other persons, four of whom shall be from time to time nominated by Her Majesty, her heirs and successors, and shall hold their office during pleasure; and the other four shall be elected by a majority of the taxpayers of the said Turks Islands and Caicos Islands, who are able to read and write.

V. And be it enacted, That the said four last-mentioned councillors shall be elected in such manner, and for such term of years, as Her Majesty, her heirs and successors, from time to time, by any Order or Orders in Council for that purpose to be made and issued, shall regulate and appoint.

VI. And be it enacted, That the said Council shall be presided over by the said President, and that all questions which shall arise therein shall be decided by a majority of voices of the members present, other than the said President; and when the voices shall be equal the President shall have the casting vote.

VII. And be it enacted, That the legislative and other powers of the said Council shall be regulated and defined in such manner as Her Majesty, her heirs and successors, by any Order in Council to be for that purpose made and issued, shall limit, direct, and appoint.

VIII. And be it enacted, That the sum of Eight thousand pounds be allotted to the said Turks Islands and Caicos Islands, as the portion of the now existing debt of the colony, to be borne and paid by the inhabitants of the said Turks Islands and Caicos Islands, which sum of Eight thousand pounds, with interest thereon at the rate of five per centum per annum, shall be charged upon and made payable out of the general revenue of the said Turks

No. 1.
Act 11 Vic.
c. 1.

Defining the portion of the Bahamas which, together with the Turks Islands, shall cease to be component parts of the Bahama Government.

The Turks Islands hereafter to be subject to the supervision of such other Colonial Government as Her Majesty in Council may decide.

The Government of Turks Islands and Caicos to be hereafter administered by a President.

Legislative authority of Turks Islands and Caicos to be vested in President and Council of eight.

Mode of election of four of the Council.

Mode of deciding questions in Council.

Her Majesty in Council to regulate and define the powers of the Council at Turks Islands. £8000, portion of the debt of the Bahamas, to be defrayed by inhabitants of Turks Islands and Caicos.

No. 1.
Act 11 Vic.
c. 1.

Periods of pay-
ment of princi-
pal and interest
of debt.

£800 salary of
President.

This Act to
commence on
25th Decr.,
1848.

This Act and
other Acts
herein enume-
rated, to be in
force at Turks
Islands and
Caicos Islands
notwithstand-
ing the sever-
ance.

Islands and Caicos Islands, and shall have preference of all other pay-
ments which may be charged upon and made payable out of the same.

IX. And be it enacted, That the said sum of Eight thousand pounds shall be paid to the Bahama Government, at such date or dates, in one or more payment or payments, as the proper executive or legislative authorities to be established within the said Turks Islands and Caicos Islands shall, from time to time, with the sanction of Her Majesty's Government, regulate and appoint: Provided, that the whole of such sum of Eight thousand pounds be so paid at or before the expiration of sixteen years next after the commencement of this Act: and the interest to grow due on such sum of Eight thousand pounds, or on such part or parts thereof, as shall from time to time remain unpaid, shall be paid quarterly, that is to say, up to the twenty-fourth days of March, June, September, and December, in each and every year, until the final payment of the principal sum, as aforesaid; and all such payments of principal and interest shall be made into the public treasury at Nassau free from all deductions or charges whatsoever.

X. And be it enacted, That the President administering the Government of the said Turks Islands and Caicos Islands shall have and receive, out of the general revenue of the said islands, a salary of Eight hundred pounds sterling per annum, payable quarterly.

XI. And be it enacted, That this Act shall commence and take effect on, from, and after the twenty-fifth day of December, which will be in the year of our Lord One thousand eight hundred and forty-eight, and that the salaries of the several public officers at the said Turks Islands and Caicos Islands, appointed under the authority of any Act or Acts of Assembly now in force, which may become due or be in arrear, and owing on the twenty-fourth day of the said month of December, shall be paid, defrayed, and liquidated out of the Public Treasury at Nassau; but all salaries of such officers to grow due from and after the last-mentioned day shall be charged on, and payable out of, the general revenue funds of the said Turks Islands and Caicos Islands; and all sums of money which, at the commencement of this Act, shall be and remain in the hands, possession, or custody of any officer or officers of the Customs or Receiver-General's department at the said Turks Islands or Caicos Islands, having been received, or for which credit bonds shall have been taken by such officer or officers, on account of the general revenue of the colony, or under the authority of any Act of the General Assembly of these islands, shall be remitted and paid over by such officer or officers to the Receiver-General and Treasurer at Nassau: the commencement of this Act to the contrary notwithstanding.

XII. And be it enacted, That this Act, as also the following Acts of the General Assembly of the Bahama Islands, shall continue and remain in force within the said Turks Islands and Caicos Islands, after the severance of the said islands from the Bahama Government; such severance to the contrary notwithstanding: the said hereinafter-recited Acts to be subject, nevertheless, to be repealed or altered by such legislative or other authority, as may hereafter be established within the said Turks Islands and Caicos Islands, that is to say:*

* The several Acts thus extended, which now remain in force will be found *post*, Part II., Class I, No. 11.

At the Court at Osborne House, Isle of Wight, the 11th day of August, 1848.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY,
 His Royal Highness PRINCE ALBERT,
 Lord President, Earl of Auckland,
 Duke of Norfolk, Viscount Palmerston,
 Marquis of Clanricarde, Lord Campbell,
 Lord Steward, Sir George Grey, Bart.,
 Lord Chamberlain.

WHEREAS by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the sixth day of April, in the year 1844, Her Majesty did constitute and appoint George Benvenuto Mathew, Governor and Commander-in-Chief in and over her Bahama Islands, during her will and pleasure, and by the said letters patent did require and command him to do all things belonging to his command according to the direction therein, and the royal instructions therewith given, or to be given, or by any Order of Her Majesty issued by and with the advice of her Privy Council; and by the said letters patent did grant, provide, and declare, that there should be within the said Bahama Islands two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of the said Islands, and did also authorize the said George Benvenuto Mathew, with the advice and consent of his Executive Council, from time to time, to summon and call General Assemblies of the freeholders and planters in the said Islands, and did also authorize and empower the said George Benvenuto Mathew, with the advice and consent of his said Legislative Council and Assembly, to make, subject to the directions and provisions of the said letters patent, laws, statutes, and ordinances for the public peace, welfare, and good government of the said Bahama Islands, and the people and inhabitants thereof, and such others as resort thereto, and for the benefit of Her Majesty, her heirs and successors.

And whereas by an Act passed by the Legislature of the said Bahama Islands in the eleventh year of the reign of Her present Majesty, intituled "An Act to authorize the separation of the Islands commonly called the Turks Islands, and the other Islands therein mentioned, from the Bahama Government," it was amongst other things enacted and ordained that from and after the twenty-fifth day of December in this present year, being the day of the commencement of the said Act, the Islands of Grand and Salt Cay, together with small islands and cays immediately adjacent, and which together with the said Islands of Grand and Salt Cay are commonly known and designated "The Turks Islands," and the islands and cays commonly known and designated "The Caicos Islands," together with all banks and cays situate, lying, and being to the eastward of the said Turks Islands and Caicos Islands, and theretofore being comprised within or deemed part of, or appertaining to, Her Majesty's Bahama Islands, should cease to be component parts of the Bahama Government: and it was further enacted that from the day and year aforesaid the said Turks Islands and Caicos Islands should be subject to the supervision of such other

No. 2.
 Order in
 Council,
 No. 1,
 1848.

No. 2.
Order in
Council,
No. 1,
1848.

Colonial Government as Her Majesty, her heirs and successors, by any Order in Council for that purpose made and issued, should order, direct, and appoint: and it was further enacted that the legislative authority in the said Turks Islands and Caicos Islands should be vested in a President administering the Government, and a Council of eight other persons to be nominated and elected as therein provided: and it was further enacted that the legislative and other powers of the said last-mentioned Council should be regulated and defined in such manner as Her Majesty, her heirs and successors, by any Order in Council, to be for that purpose made and issued, shall limit, direct, and appoint. And whereas Her Majesty hath been pleased to allow and confirm the said Act, and for more effectually carrying out the object thereof, it is hereby ordered by the Queen's most Excellent Majesty, by and with the advice of her Privy Council, that from and after the twenty-fifth day of December next, in this present year, and being the day of the commencement of the said Act, the said Islands of Grand and Salt Cay, together with the small islands and cays immediately adjacent thereto, and which, together with the said Islands of Grand and Salt Cay are commonly known and designated as the "Turks Islands," and the islands and cays commonly known and designated as the "Caicos Islands," together with all banks and cays situate, lying, and being to the eastward of the said Turks Islands and Caicos Islands, heretofore comprised within, and deemed part of, or appertaining to, Her Majesty's Bahama Islands, shall become subject to the supervision of the Captain-General and Governor-in-Chief for the time being, or Officer administering the Government of the Island of Jamaica, anything in the said letters patent of the sixth day of April, in the year 1844, to the contrary notwithstanding. And it is further ordered, that the said Captain-General and Governor-in-Chief for the time being, or Officer administering the said Government as aforesaid, shall do and execute all things that shall belong to the said supervision of the said Turks Islands and Caicos Islands, in due manner according to the several powers, provisions, and directions, which may hereafter, from time to time, be given by any letters patent under the great seal of the United Kingdom of Great Britain and Ireland, and by any instructions which may hereafter from time to time be given under the signet and sign manual of Her Majesty, her heirs and successors. And it is further ordered, that the legislative and other powers of the said Council shall be defined and regulated in such manner as Her Majesty, her heirs and successors, shall limit, direct, and appoint by any letters patent which may hereafter from time to time be issued under the great seal of the United Kingdom of Great Britain and Ireland, and by any instructions which may hereafter from time to time be given under the signet and sign manual of Her Majesty, her heirs and successors.

And the Right Honourable Earl Grey, one of Her Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

C. GREVILLE.

At the Court at Osborne House, Isle of Wight, the 11th day of August, 1848.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY,
His Royal Highness PRINCE ALBERT,
Lord President, Earl of Auckland,
Duke of Norfolk, Viscount Palmerston,
Marquis of Clanricarde, Lord Campbell,
Lord Steward, Sir George Grey, Bart.,
Lord Chamberlain.

WHEREAS by an Act passed in the fortieth year of the reign of His late Majesty King George the Third, by the Legislature of the Bahama Islands, intituled "An Act for authorizing and empowering the Inhabitants of the several Islands and districts therein mentioned to send Representatives to the General Assembly," it was enacted and ordained amongst other things that the freeholders and housekeepers of the islands commonly known and designated Turks Islands should elect and send to represent them in the General Assembly of the said Bahama Islands one member, and that the freeholders and householders of the islands known and designated Caicos Islands and of the keys situate within three leagues thereof, should also elect and send for the like purpose one member.

And whereas, in the forty-seventh year of the reign of His said late Majesty, an Act was passed by the said Legislature, intituled "An Act for consolidating the several Acts for regulating Elections and the Qualifications of Members of the General Assembly of these Islands and of Electors, and for ascertaining and deciding the limits and bounds of the several Islands and Districts within their Government which send Representatives to the General Assembly, and for other purposes therein mentioned."

And whereas, by an Act passed by the said Legislature in the fifth year of the reign of His late Majesty King William the Fourth, intituled "An Act for authorizing and empowering the Freeholders and Housekeepers of the Islands commonly known and designated Turks Islands to send two additional Representatives to the General Assembly," the freeholders and housekeepers of the said islands were empowered to elect and send for the purpose aforesaid three members instead of two, as provided by the hereinbefore mentioned Act of the fortieth year of the reign of His said late Majesty King George the Third : and it was further enacted and declared by the said Act of the fifth year of the reign of His said late Majesty that the qualifications of the members to be elected, the qualifications of the electors, and all other matters relating to the election of members to serve in the General Assembly of Bahamas, in and for the said islands commonly known and designated Turks Islands, should be according to the forms prescribed by the said hereinbefore mentioned Act passed in the forty-seventh year of the reign of His said late Majesty King George the Third, or by any other Act or Acts then in force or thereafter to be made by the said Legislature of the Bahama Islands for regulating elections.

And whereas, by an Act passed by the said Legislature in the eleventh year of the reign of Her present Majesty, intituled "An

No. 3.
Order in
Council,
No. 2,
1848.

No. 3.
Order in
Council,
No. 2,
1848.

Act to authorize the Separation of the Islands commonly known and designated Turks Islands and the other Islands therein mentioned from the Bahama Government," it was enacted and ordained, amongst other things, that from and after the twenty-fifth day of December in this present year, being the day of the commencement of the said Act, the Islands of Grand and Salt Cay, together with the small islands adjacent thereto, and which together with the said Islands of Grand and Salt Cay are commonly known and designated as the Turks Islands, and the islands and cays commonly known and designated as the Caicos Islands, together with all banks and cays situate, lying, and being to the eastward of the said Turks Islands and Caicos Islands, and theretofore being comprised within and deemed part of or appertaining to Her Majesty's Bahama Islands, should cease to be component parts of the said Bahama Government; and that from the day and year aforesaid the government should be administered by a President, to be from time to time appointed by Her said Majesty, her heirs and successors, and that from the day and year aforesaid the legislative authority in the said islands, so severed from the said Bahama Government, should be vested in the said President and a Council of eight other persons, of whom, from time to time, four should be nominated by Her said Majesty, her heirs and successors, and hold their office during pleasure, and four should be elected by a majority of the taxpayers therein, who are able to read and write; and that the said last-mentioned councillors should be elected in such manner and for such term of years as Her said Majesty, her heirs and successors, should from time to time by any Order or Orders in Council, for that purpose to be made and issued, regulate and appoint.

11 Vic. c. 1.

Who are quali-
fied as voters.

I. And whereas, Her Majesty hath been pleased to allow and confirm the said Act, and for more effectually carrying out the objects thereof, and for the due exercise of legislative authority in the said islands, known and designated as Turks Islands and Caicos Islands respectively, and in all banks and cays situate, being, and lying to the eastward of the said Turks Islands, as prescribed by the said last-mentioned Act, It is hereby ordered by the Queen's Most Excellent Majesty, by and with the advice of Her Privy Council, that from and after the twenty-fifth day of December in the present year, being the day of the commencement of the said last-mentioned Act, it shall and may be lawful for the taxpayers who are able to read and write, of the said islands commonly known and designated as the Turks Islands, to elect and send to represent them in the said Legislative Council two members. And it shall and may be lawful for the taxpayers who are able to read and write, of the said islands commonly known and designated as the Caicos Islands, also to elect and send to represent them in the said Legislative Council two members.

Qualification.

II. And it is further ordered, That the qualifications of the elective members of the said Legislative Council and all other matters, save and except the qualifications of the electors, and any matter or thing herein otherwise provided relating to the election of members to serve in the said Legislative Council, shall, until otherwise regulated and appointed by any Order or Orders to be for that purpose made and issued by Her said Majesty, her heirs and successors, by and with the advice of Her Privy Council, or by any Act of Legislature of the said islands, be according to the form of

the said hereinbefore mentioned Act of the said Legislature of the Bahamas, made and passed in the forty-seventh year of the reign of His said late Majesty King George the Third, intituled "An Act for consolidating the several Acts for regulating Elections and Qualifications of Members of the General Assembly of these Islands, and of Electors, and for ascertaining and deciding the limits and bounds of the several Islands and Districts within this Government, which send Representatives to the General Assembly, and for other purposes therein mentioned," and according to the provisions of any other Act or Acts for regulating elections, in force in the Bahama Islands at the time of the passing of the said hereinbefore mentioned Act of the eleventh year of the reign of Her present Majesty, and so far only as such provisions are not inconsistent with the said last-mentioned Act or this present order.

No. 3.
Order in
Council,
No. 2,
1848.

III. And it is further ordered, That each of the four elective members, if duly elected, and he shall have taken and subscribed the oaths taken by members of the General Assembly of the Bahama Islands, as prescribed by the said Act of the said forty-seventh year of the reign of His said late Majesty King George the Third, shall become and continue to be a member of the said Council for the space of five years from the day of his said election, unless the said Council shall be sooner dissolved, subject nevertheless to the provisions hereinafter contained for vacating the same.

Duration.

IV. And it is further ordered, That it shall be lawful for Her Majesty, by any warrant or warrants, to be from time to time issued under Her Majesty's sign manual, and countersigned by one of Her principal Secretaries of State, to nominate such part of the said Council as is to be appointed by Her Majesty, and to designate such non-elective members of the said Council, either by their proper names, or as holders for the time being of any public offices within the said Turks Islands and Caicos Islands and their dependencies. And it shall also be lawful for Her Majesty by any such warrant or warrants from time to time, to delegate to the said President the power of nominating and designating such non-elective members of the said Council, either by their proper names or as holders for the time being of any such public office as aforesaid, which delegated power shall nevertheless be exercised by any such President provisionally only, and until Her Majesty's pleasure be known, and shall not be exercised until the return of the writs for the election of all the elective members.

Appointment
of non-elective
members

by her Majesty,

V. And it is further ordered, That every appointment which shall be made by the said President of any non-elective member of the said Council shall be made by letters patent to be for that purpose issued under the public seal of the colony.

or by the Presi-
dent.

VI. And it is further ordered, That it shall be lawful for any non-elective member of the said Council, by writing under his hand, addressed to the President, to resign his seat in the said Legislative Council, and upon such resignation the seat of such legislative councillor shall become vacant.

Non-elective
member may
resign.

VII. And it is further ordered, That if any non-elective member of the said Council shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or shall become *non compos mentis*, his seat in such Council shall thereby become vacant.

Seat how va-
cant.

No. 3.
Order in
Council,
No. 2,
1848.

Appointment in
certain cases.

VIII. And it is further ordered, That in case of the vacancy of the seat of any non-elective member of the said Council who shall have been designated as the holder of a public office, the seat shall continue vacant until the appointment of another person to fill the same office, and in case of the vacancy of the seat of any non-elective member of the said Council, who shall have been designated by his proper name, it shall be lawful for the President to designate by name and appoint some person to the place in the said Council of the member so vacating his seat, which appointment shall be valid and effectual until the same shall be disallowed by Her Majesty, or until a new appointment made by warrant to be issued as aforesaid, under Her Majesty's sign manual, and countersigned by one of Her Majesty's principal Secretaries of State; and in case any such appointment shall be disallowed by Her Majesty, the said President shall make a new appointment, subject as aforesaid to Her Majesty's approval, and every such appointment, disallowance, and new appointment, shall take effect from the time of the notification thereof by the said President in the Government Gazette of the said colony.

Time and place
of meeting.

IX. And it is further ordered, That it shall be lawful for the said President for the time being to fix such place or places within any part of the said Turks and Caicos Islands and their dependencies, and such times for holding the first and every other session of the said Council, as he may think fit; such times and places to be changed or varied as the said President may judge advisable and most consistent with general convenience and the public welfare, giving sufficient notice thereof, and also to prorogue the said Council from time to time, and dissolve the same by proclamation or otherwise, whenever he shall deem it expedient.

Duration.

X. And it is hereby further ordered, That there shall be a session of the said Council once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Council in one session and the first sitting of the Council in the next session; and that every Council shall continue for five years from the day of the return of the writs for the choosing the same and no longer, subject nevertheless to be sooner prorogued or dissolved by the said President.

First session.

XI. And it is further ordered, That the first writs for the election of members of the said Council, shall issue at some period to be determined by the President, not later than twelve calendar months after the first day of October, 1848.

Dissolution.

XII. And it is further ordered, That upon any dissolution or other determination of the said Council, it shall be lawful for the President of the Council of the said islands to issue writs for the election of the elective members to serve in the Legislative Council, and after the return of such writs it shall be lawful for the President, in the name and on behalf of Her Majesty, to nominate and appoint the non-elective members to serve in the Legislative Council, which appointment shall be valid and effectual until the same shall be disallowed by Her Majesty, or until new appointments made by warrant or warrants to be issued under Her Majesty's sign manual and countersigned by one of her principal Secretaries of State, which new appointment shall be taken as a disallowance of the appointments made by the said President, in respect of which they are made, and in case any such appointment by the President

shall be simply disallowed by Her Majesty, the President shall make a new appointment, subject as aforesaid to be disallowed by Her Majesty, and every such appointment, disallowance, and new appointment shall take effect from the time of the notification thereof by the said President in the Government Gazette of the said islands.

XIII. And it is further ordered, That the word "President" as employed in this Order shall be understood to be the person for the time being lawfully administering the Government of the said Turks and Caicos Islands and their dependencies.

And the Right Honourable Earl Grey, one of Her Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

No. 3.
Order in
Council,
No. 2,
1848.

THE CHARTER OF THE TURKS AND CAICOS ISLANDS.

VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

To all to whom these Presents shall come, Greeting:—

WHEREAS, by an Act made and passed in the eleventh year of Our reign, by the Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said islands, intituled "An Act to authorize the Separation of the Turks Islands and the other Islands therein mentioned from the Bahama Government," it was amongst other things enacted, that from and after the commencement of the said Act, the Islands of Grand and Salt Cay, together with the small islands and cays immediately adjacent thereto, and which together with the said Islands of Grand and Salt Cay are commonly known and designated as the Turks Islands, and the islands and cays commonly known and designated as the Caicos Islands, together with all banks and cays, situate, lying, and being to the eastward of the said Turks Islands and Caicos Islands, and comprised within or deemed part of or appertaining to our Bahama Islands, shall cease to be component parts of the Bahama Government; and all Acts of the General Assembly of the Bahama Islands in force at the time of the commencement of the said Act, save and except the said Act, and the several Acts thereafter particularly designated, shall from thenceforth cease to be in force within or have reference to the said Turks Islands and Caicos Islands: and it was further enacted, That the said Turks Islands and Caicos Islands, from and after the commencement of the said Act, shall be subject to the supervision of such other Colonial Government as we, Our heirs or successors, by any Order in Council for that purpose made and issued, shall order, direct and appoint: and it was further enacted, That from and after the commencement of the said Act the Government of the said Turks Islands and Caicos Islands shall be administered by a President to be appointed from time to time by us, Our heirs and successors, who shall hold his office during pleasure. And whereas, in pursuance and exercise of the powers and authority so vested in us by the said Act, we have, by and with the advice of Our Privy Council issued a certain Order in Council bearing date the eleventh day of August, One thousand eight hundred and forty-eight,

No. 4.
The Charter
1848.

No. 4.
The Charter
1848.

whereby it was ordered that from and after the twenty-fifth day of December next in this present year, and being the day of the commencement of the said Act, the said islands of Grand and Salt Cay, together with the said small islands and cays immediately adjacent thereto, and which, together with the said islands of Grand and Salt Cay, are commonly known and designated as the Turks Islands, and the islands and cays commonly known and designated as the Caicos Islands, together with all banks and cays situate, lying, and being to the eastward of the said Turks Islands and Caicos Islands, heretofore comprised within, and deemed part of, or appertaining to, our Bahama Islands, shall become subject to the supervision of the Captain-General and Governor-in-Chief for the time being, or Officer administering the Government of the island of Jamaica. And it was further ordered that the said Captain-General and Governor-in-Chief for the time being, or Officer administering the said Government as aforesaid, shall do and execute all things that shall belong to the said supervision of the said Turks Islands and Caicos Islands in due manner according to the several powers, provisions, and directions which may thereafter from time to time be given by any letters patent under the great seal of Our United Kingdom of Great Britain and Ireland, and by any instructions which may thereafter from time to time be given under the sign manual, and signed by us, Our heirs and successors. Now know you, that we have thought fit to constitute and appoint the President of the Council for the time being of the said Turks and Caicos Islands, duly commissioned by us by a warrant under Our sign manual and signet, and by these presents, constitute and appoint the said President of the Council for the time being, of the said islands commissioned by us, in manner aforesaid, to be the Administrator of the Government of the said islands, and all other the islands depending thereon, and also of all forts and garrisons erected and established, or which shall be erected and established, within the same, under the supervision of our Captain-General and Governor-in-Chief for the time being, in and over our island of Jamaica, for and during our will and pleasure. And we do hereby require and command the President of the Council for the time being of the said Turks and Caicos Islands, and our said Captain-General and Governor-in-Chief for the time being in and over our said island of Jamaica, to do and execute, each of them respectively, all things in due manner that shall belong to their said command and supervision; and the trust we have reposed in them respectively according to the several powers and authorities granted or appointed them by this present commission; and the instructions herewith given them; and according to such further powers, directions, and authorities, as shall at any time hereafter be granted or appointed them under Our sign manual and signet, or by Our order in Our Privy Council, or by us through one of Our principal Secretaries of State, and according to such reasonable laws and statutes as are now in force or as shall hereafter be made and agreed upon by the President and Council of the said islands, under the supervision of Our said Captain-General and Governor-in-Chief. And Our will and pleasure is, that the said President of the Council of the said islands immediately upon the publication within Our said islands of this Our charter, do take the oaths mentioned and referred to in the said accompanying instructions,

President of
Council to be
Administrator
of Government
and of Forts and
Garrisons.

such oaths being administered to him in such manner and form and by such persons as are therein mentioned, all which being duly performed, he shall administer to each of the members of Our said Council the oaths mentioned in Our said instructions in that behalf. And whereas by Our said recited Order in Council it was amongst other things ordered that the legislative and other powers of the said Council shall be defined and regulated in such manner as we, Our heirs and successors, shall limit, direct, and appoint, by any letters patent which may thereafter from time to time be issued under the great seal of Our United Kingdom of Great Britain and Ireland, and by any instructions which may thereafter from time to time be given under the sign manual of us, Our heirs, and successors. Now therefore we do hereby declare and grant that the President and Council for the time being, of Our said islands, or the major part of them, shall have full power and authority, under the supervision of Our Captain-General and Governor-in-Chief in and over Our said island of Jamaica, to make, constitute, and ordain, laws, statutes, and ordinances for the public peace, welfare, and good government of Our said islands and the people and inhabitants thereof, and such others as shall resort thereto, and for the benefit of us, Our heirs, and successors. Provided nevertheless and we do further declare Our pleasure to be, that the said laws, statutes, and ordinances so to be made, constituted, and ordained as aforesaid, shall not be repugnant, but as near as may be agreeable, to the laws and statutes of this Our United Kingdom of Great Britain and Ireland. Provided also, that all such laws, statutes, and ordinances, of what nature or duration soever, within three months or sooner after the making thereof, be transmitted to us under the seal of Our said islands, for our approbation or disallowance of the same, as also duplicates thereof by the next conveyance; and in case any or all of the said laws, statutes, and ordinances so to be made as aforesaid, shall be disallowed by us, Our heirs and successors, by the advice of Our or their Privy Council under Our or their sign manual and signet, or through one of Our principal Secretaries of State, then Our pleasure is that such laws, statutes, and ordinances shall cease, determine, and become utterly void and of none effect, from and after the promulgation of such disallowance thereof within Our said islands, anything herein contained to the contrary thereof notwithstanding. And to the end that nothing may be passed or done by Our said Council to the prejudice of us, Our heirs and successors, We will and ordain that our Captain-General and Governor-in-Chief for the time being in and over Our island of Jamaica shall have and enjoy a negative voice in the making and passing all such laws, statutes, and ordinances as aforesaid. And we do hereby authorize and empower the President of the Council for the time being, of the said islands, to keep and use the public seal of Our said islands. And we do hereby authorize and empower Our Captain-General and Governor-in-Chief for the time being in and over our island of Jamaica, to present to the Bishop of the diocese of Jamaica for institution any person or persons to any churches, chapels, or other ecclesiastical benefices within Our said islands and their dependencies, as often as any of them shall happen to be void. And we do hereby grant unto the President of the Council for the time being of Our said islands, full power and authority to

No. 4.
The Charter
1848.

President and
Council to make
Laws under the
supervision of
Governor-in-
Chief.

Governor-in-
Chief to have a
negative voice
in all Laws.

Governor-in-
Chief to present
to all Livings
becoming vac-
cant.

**No. 4.
The Charter
1848.**

President to
appoint Public
Officers.

President to
have power to
suspend.

Governor-in-
Chief may remit
fines.

President power
to grant autho-
rity to admin-
ister Estates of
Lunatics.

Public Revenue,
how appropri-
ated.

Provision in
case of death,
&c., of Presi-
dent.

constitute and appoint judges and in cases requisite commissioners of oyer and terminer, justices of the peace, sheriffs, and other necessary officers and ministers in Our said respective islands, for the better administration of justice and putting the laws in execution, and all such other officers and ministers as may lawfully be appointed by us; it being nevertheless Our pleasure that all such appointments as aforesaid shall be provisional only until Our pleasure shall be known. And we do hereby give and grant unto the President of the Council for the time being of Our said islands full power and authority in case any person or persons commissioned or appointed by us to any office or offices within either of Our said islands from which they may be liable to be removed by us shall, in his opinion, be unfit to continue in Our service, to suspend or remove such person or persons from his or their several employments. And we do hereby give and grant unto Our Captain-General and Governor-in-Chief for the time being in and over Our island of Jamaica, full power and authority, where he shall see cause or shall judge any offender or offenders in criminal matters or for any fines or forfeitures due unto us fit objects of Our mercy, to pardon all such offenders and to remit all such offences, fines, and forfeitures. And we do hereby give and grant unto the said President of the Council for the time being of Our said islands full power and authority, without expecting any further special warrant from us, from time to time to give order and warrant for the preparing of grants of the custody of idiots and lunatics and their estates, as are or shall be found by inquisition thereof taken or to be taken, and returnable in Our Court of Chancery, and thereupon to make and pass grants and commitments under the public seal of Our said islands of the custody of all such idiots and lunatics and their estates, to such person or persons, suitors in that behalf, as according to the rules of law and the use and practice in these and the like cases he shall judge meet for that trust, the said grants and commitments to be made in such manner and form, or as nearly as may be, as hath been heretofore used and accustomed in making the same under the great seal of this Our United Kingdom of Great Britain and Ireland, and to contain such apt and convenient covenants, provisions, and agreements on the part of the committees and grantees to be performed, and such security to be by them given, as shall be requisite and needful. And Our further will and pleasure is, that all public moneys raised or which shall be raised by any Act or Ordinance made or hereafter to be made within Our said islands, be issued out by warrant from the President of the Council for the time being of Our said islands, and be disposed of by him for the support of the government of the said islands, or for such other purposes as shall be particularly directed and appointed in and by such Act or Ordinance and not otherwise. And in case there shall not be within Our said islands any person commissioned by us by a warrant under Our sign manual and signet to be President of the Council of Our said islands, then and in that case we do further declare Our pleasure, and do hereby grant and provide, that all and every the powers hereby vested in the said President of the Council for the time being shall be and the same are hereby vested in the Senior Member of the Council of such islands for the time being resident therein. And we do further declare and ordain, that the persons for the time being administer-

ing the Government of the said islands, shall in the discharge of such their office conform to and observe such instructions as shall for that purpose be addressed to them by Our Captain-General and Governor-in-Chief for the time being, in and over Our island of Jamaica so long as he shall be within any one of the said islands aforesaid or in the island of Jamaica in the execution of this Our Charter: subject nevertheless to all such rules and regulations in that behalf as are contained in Our instructions accompanying this Our Charter. And whereas it is necessary that provision be also made for the execution of this Our Charter in the event of the death, incapacity, or absence of Our said Captain-General and Governor-in-Chief from his said command of Jamaica. Now therefore we do further declare Our pleasure to be that in the event of the death, incapacity, or absence of Our said Captain-General and Governor-in-Chief from his said command, all and every the powers and authorities hereby vested in him shall thereupon be, and the same are hereby in any such event and until Our pleasure shall be further signified, vested in Our Lieutenant-Governor of Our said island, of Jamaica, and if there shall then be no such Lieutenant-Governor within Our said island then in such person as may in manner aforesaid be appointed by us to be the Administrator of the Government thereof, or if there shall then be no such Administrator of the Government within the said island of Jamaica then in such Senior Member of the Council thereof as aforesaid. And we do further direct and enjoin that this Our Charter be read and proclaimed within our said Islands. And we do hereby require and command all officers civil and military, and all others the inhabitants of Our said islands, to be obedient, aiding and assisting unto Our said Captain-General and Governor-in-Chief in and over Our island of Jamaica and to the persons hereinbefore appointed to administer the Government of Our said Turks and Caicos Islands, in the execution of this Our commission and of the powers and authorities herein contained. In witness whereof we have caused these Our letters to be made patent.

Witness Ourselves at Westminster, the twenty-fifth day of October in the twelfth year of Our reign.

By Writ of Privy Seal.

[L.S.]

(Signed)

PEPYS.

No. 4.
The Charter
1848.

also in case of
death, &c., of
Governor-in-
Chief.

PART II.

CLASS I.—LAWS EXTENDING THE COMMON, AND CERTAIN PARTS OF THE STATUTE, LAW OF ENGLAND, AND CERTAIN ACTS OF THE GENERAL ASSEMBLY OF THE BAHAMA ISLANDS, TO THE TURKS AND CAICOS ISLANDS.

CLASS II.—LAWS RELATING TO THE LEGISLATIVE POWERS OF THE COUNCIL, AND OTHER MATTERS CONNECTED WITH THE REPRESENTATION OF THE PEOPLE.

CLASS III.—LAWS REMOVING CIVIL DISABILITIES FROM CERTAIN CLASSES OF PERSONS.

CLASS IV.—ALIENS, NATURALIZATION OF.

CLASS V.—FRIENDLY SOCIETIES.

CLASS VI.—WILLS AND ESTATES OF DECEASED PERSONS.

CLASS I.

DIVISION I.—LAWS EXTENDING THE COMMON, AND CERTAIN PARTS OF THE STATUTE, LAW OF ENGLAND, AND CERTAIN ACTS OF THE GENERAL ASSEMBLY OF THE BAHAMA ISLANDS, TO THE TURKS AND CAICOS ISLANDS.

No. 1.
Act 40 G. 3,
c. 2.

No. 1.—40 Geo. 3, ch. 2. *An Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same.* (A.D. 1799.)

PREAMBLE.

Common Law
of England,
with certain
exceptions, de-
clared in force
in the Colony.

WHEREAS the Common Law of England is the best birth-right of Englishmen and of their descendants, but nevertheless is not, in all respects, applicable to the circumstances and condition of new and distant colonies: And whereas doubts have arisen how far the Acts of Parliament in which His Majesty's colonies and plantations in America are not especially mentioned or included under general words do extend to those colonies and plantations, by reason whereof your Majesty's liege subjects of these islands have sometimes been in danger of being deprived of the benefit of many good and wholesome laws; and whereas it is expedient that all doubt be taken away concerning a subject of such high importance: We therefore pray, &c., and be it declared by the authority of the same, that the Common Law of England, in all cases where the same hath not been altered by any of the Acts or Statutes hereinafter enumerated, or by any Act or Acts of Assembly in force in these islands, or by any Ordinance of the Legislative Council of the same (except so much thereof as hath relation to the ancient feudal tenures, to outlawries in civil suits, to the wager of law or of batall, appeals of felony, writs of attaind and ecclesiastical matters), is, and of right ought to be, in full force within these islands, as the same now is in that part of Great Britain called England.

II. And be it further declared, That the several Statutes and Acts of Parliament, hereinafter particularly enumerated and mentioned, are, and of right ought to be, in full force and virtue within and throughout this colony, as the same would be if the Turks and Caicos Islands were therein expressly named, or as if the aforesaid Acts and Statutes had been made and enacted by the Legislature of these islands.*

No. 1.
Act 40 G. 3,
c. 2.

Declares cer-
tain Acts of
Parliament to
be in force.

9 Henry 3, ch. 8. "How sureties shall be charged to the King."

9 Henry 3, ch. 18. "The King's Debtor dying, the King shall be first paid."

20 Henry 3, ch. 1. "A woman shall recover damages in a writ of dower."

20 Henry 3, ch. 2. "Widows may bequeath the crops of their lands."

20 Henry 3, ch. 9. "He is a bastard that is born before the marriage of his parents."

3 Edward 1, ch. 4. "What shall be adjudged wreck of the sea, and what not."

3 Edward 1, ch. 9. "All men shall be ready to pursue felons."

3 Edward 1, ch. 25. "None shall commit champerty to have part of the thing in question."

3 Edward 1, ch. 26. "None of the King's officers shall commit extortion."

3 Edward 1, ch. 28. "Clerks shall not commit maintenance."

3 Edward 1, ch. 29. "The penalty of a Serjeant or Pleader committing deceit."

3 Edward 1, ch. 30. "Extortion by Justices' Officers."

3 Edward 1, ch. 33. "No maintainers of quarrels shall be suffered."

6 Edward 1, ch. 1. "Several actions wherein damages shall be recovered."

13 Edward 1, statute 1, ch. 1. "In gifts in tail, the donor's will shall be observed. The form of a formedon."

13 Edward 1, statute 1, ch. 4. "Where the wife shall be endowable of lands recovered against the husband. Where the heir may avoid a dower recovered. A remedy for particular tenants losing by default."

13 Edward 1, ch. 7. "Admeasurement of dower for the Guardian and the heir, and the process therein."

13 Edward 1, ch. 15. "An infant eloined may sue by *prochein amy*."

13 Edward 1, ch. 22. "Waste maintainable by one tenant in common against another."

13 Edward 1, ch. 23. "Executors may have a writ of *account*."

13 Edward 1, ch. 31. "An exception to a plea shall be sealed by the Justices."

13 Edward 1, ch. 34. "It is a felony to commit a rape. A married woman elopeth with an *advouterer*."

* By this clause 207 Acts of Parliament were originally extended. The clause has, however, from time to time been repealed in part, and those Acts only which remained in force at the time of the separation are inserted in this reprint. The titles of the statutes are set forth as they usually appear in the printed copies.

No. 1.
Act 40 G. 3,
c. 2.

13 Edward 1, ch. 40. "A Woman's suit shall not be deferred by the minority of the heir."

13 Edward 1, ch. 45. "The process of execution of things recorded within the year, or after."

13 Edward 1, ch. 49. "The penalty for buying the title of land depending in suit. A remedy for suits where the law faileth."

28 Edward 1, ch. 11. "Nothing shall be taken to maintain any matter in suit."

Stat. de frangentibus Prisonam. 1 Edward 2, statute 2. "In what case it is felony to break prison, in what not."

1 Edward 3, statute 2, ch. 16. "Who shall be assigned Justices and Keepers of the Peace."

4 Edward 3, ch. 2. "The authority of Justices of Assize, Gaol Delivery, and of the Peace."

4 Edward 3, ch. 7. "Executors shall have an action of trespass for a wrong done to their testator."

4 Edward 3, ch. 10. "Sheriffs and Gaolers shall receive offenders without taking anything."

5 Edward 3, ch. 10. "The punishment of a Juror that is ambidexter and taketh money."

5 Edward 3, ch. 11. "Nightwalkers and suspected persons shall be safely kept."

14 Edward 3, statute 1, ch. 6. "A Record which is defective by misprision of a Clerk, shall be amended."

18 Edward 3, statute 2, ch. 2. "Justices of Peace shall be appointed, and their authority."

20 Edward 3, ch. 3. "Justices of Gaol Delivery, &c., and their associates shall take an oath."

25 Edward 3, statute 5, ch. 2. "A declaration which offences shall be adjudged treason."

25 Edward 3, statute 5, ch. 3. "No Indictor shall be put upon the inquest of the party indicted."

25 Edward 3, statute 5, ch. 5. "Executors of Executors shall have the benefit and charge of the first testator."

25 Edward 3, statute 5, ch. 14. "What process shall be awarded against him that is indicted for Felony."

28 Edward 3, ch. 3. "No person shall be condemned without his answer."

34 Edward 3, ch. 8. "The penalty of a Juror taking reward to give his Verdict."

34 Edward 3, ch. 12. "There shall be no forfeiture of lands for treason of dead persons not attained."

38 Edward 3, statute 1, ch. 2. "A ship shall not be lost for a small thing therein not customed."

38 Edward 3, ch. 12. "The punishment of a Juror taking reward to give verdict, and of Embraceors."

50 Edward 3, ch. 6. "Fraudulent assurances of lands or goods, to deceive creditors, shall be void."

1 Richard 2, ch. 12. "A prisoner by judgment shall not be left at large. Confession of a debt to the King to delay another's execution."

5 Richard 2, ch. 8. "The penalty where any doth enter into Lands where it is not lawful, or with force."

8 Richard 2, ch. 4. "The penalty if a Judge or Clerk make a false entry, raise a roll, or change a verdict."

9 Richard 2, statute 2, ch. 1. "In a pardon of Murder, Treason, or Rape, the offence committed shall be specified. The forfeiture of him at whose suit such a pardon is obtained."

No. 1.
Act 40 G. 3,
c. 2.

13 Richard 2, statute 1, ch. 5. "What things the Admiral and his Deputy shall meddle."

15 Richard 2, ch. 2. "The duty of Justices of the Peace when any forcible entry is made into Lands."

15 Richard 2, ch. 3. "In what places the Admiral's jurisdiction doth lie."

17 Richard 2, ch. 6. "Upon an untrue suggestion in the Chancery, damages may be awarded."

17 Richard 2, ch. 8. "The Sheriffs and all other the King's Officers, shall suppress rioters, and imprison them, and all others offending against the Peace."

1 Henry 4, ch. 10. "Nothing shall be accounted Treason but what was made Treason in the time of King Edward the Third."

2 Henry 4, ch. 11. "A remedy for him who is wrongfully pursued in the Court of Admiralty."

4 Henry 4, ch. 18. "The punishment of an Attorney found in default."

4 Henry 4, ch. 23. "Judgments given shall continue until they shall be reversed by attain or error."

5 Henry 4, ch. 5. "It shall be felony to cut out the tongue, or pull out the eyes of the King's liege people."

5 Henry 4, ch. 10. "Justices shall imprison none but in the Common Gaol."

11 Henry 4, ch. 3. "Records shall not be amended or impaired after judgment enrolled."

13 Henry 4, ch. 7. "The Justices of Peace and the Sheriffs shall arrest those which commit any riot, &c., inquire of them, and record their offences."

2 Henry 5, ch. 2. "A *Corpuscum causâ* or *Certiorari* to remove him who is in execution at another man's suit."

9 Henry 5, statute 1, ch. 4. "The Justices may amend defaults in records or process after Judgment given."

4 Henry 6, ch. 3. "Justices in certain cases may amend their records according to former statutes."

8 Henry 6, ch. 9. "The duties of Justices of Peace where land is entered upon, or detained with force."

8 Henry 6, ch. 12. "No Judgment or Record shall be reversed for any writ, process, &c., raised. What defects in Records may be amended by the Judges, and what not."*

8 Henry 6, ch. 15. "The Justices may, in certain cases, amend defaults in Records."

8 Henry 6, ch. 29. "An inquest shall be *de medietate linguâ*, where an alien is party."

11 Henry 6, ch. 3. "An Assize, &c., maintainable against the pignor of the profits."

11 Henry 6, ch. 6. "No suit pending before any Justice, &c., shall be discontinued by a new Commission."

1 Richard 3, ch. 3. "Every Justice of the Peace may let a

* So much of this Statute as relates to the offences of "stealing, taking away, withdrawing or avoiding of any Record, or other like thing therein mentioned;" is repealed. See Act of Assembly, 4th Victoria, c. 30, *post*.

No. 1.
Act 40 G. 3,
c. 2.

Prisoner to mainprize. No officer shall seize the Goods of a Prisoner until he be attained.*

3 Henry 7, ch. 3. "Justices of the Peace may let Prisoners to bail. The Sheriff shall certify the names of all his Prisoners at the Gaol delivery."*

3 Henry 7, ch. 4. "All deeds of Gift made to defraud Creditors, shall be void."

3 Henry 7, ch. 10. "Costs, &c., awarded to the Plaintiff, where the Defendant sueth a Writ of Error."

4 Henry 7, ch. 12. "All Justices of the Peace shall execute their commission, redress injuries, and maintain the Laws."

4 Henry 7, ch. 20. "Actions popular, prosecuted by collusion, shall be no bar to those which be pursued with good faith."

4 Henry 7, ch. 24. "How often a fine levied in the Common Pleas shall be read and proclaimed, and who then shall be bound thereby."

11 Henry 7, ch. 12. "A mean to help and speed poor persons in their suits."

11 Henry 7, ch. 20. "Certain alienations made by the Wife, of the Lands of her deceased husband, shall be void."

23 Henry 8, ch. 5. "An Act that the plaintiff being non-suited, shall yield damages to the defendants in actions personal, by the discretion of the Justices."

24 Henry 8, ch. 5. "That a man killing a Thief in his defence, shall not forfeit his Goods."

27 Henry 8, ch. 4. "For Pirates and Robbers on the Sea."

27 Henry 8, ch. 10. "An Act concerning Uses and Wills."

28 Henry 8, ch. 15. "For Pirates."

31 Henry 8, ch. 1. "For joint tenants and tenants in common."

32 Henry 8, ch. 2. "The Act of limitation with a proviso."

32 Henry 8, ch. 9. "The Bill of Bracery and buying of Titles."

32 Henry 8, ch. 28. "Leasees to enjoy the farm against tenants in tail."

32 Henry 8, ch. 30. "Misleadings, Jeofails."

32 Henry 8, ch. 32. "Joint tenants for term of life, or years."

32 Henry 8, ch. 33. "An Act that wrongful disseisen is no descent in law."

32 Henry 8, ch. 36. "For the exposition of the Statute of Fines."

32 Henry 8, ch. 37. "For recovery of arrearages of rents, by executors, of tenants in fee simple."

32 Henry 8, ch. 38. "For Marriages to stand notwithstanding pre-contracts."

1 Edward 6, ch. 7. "The continuations of Actions after the death of any King."

1 Mary, Sess. 2, ch. 7. "An Act touching proclamations upon fines."

5 Elizabeth, ch. 9. "An Act for punishment of such as shall procure or commit any wilful perjury."

8 Elizabeth, ch. 2. "An Act for avoiding of wrongful vexation touching the writ of *latitat*."

13 Elizabeth, ch. 5. "An Act against fraudulent deeds, alienations," &c.

* So much of these Statutes as relate to mainprize and bail are suspended. See Act of Assembly, 4 William 4, ch. 25, *post*.

13 Elizabeth, ch. 6. "An Act that the exemplification, or *constat* of Letters Patent, shall be as good and available, as the Letters Patent themselves."

No. 1.
Act 40 G. 3,
c. 2.

18 Elizabeth, ch. 5. "An Act to redress disorders in common informers."

18 Elizabeth, ch. 14. "An Act for reformation of Jeofails."

27 Elizabeth, ch. 4. "An Act against covinous and fraudulent conveyances."

27 Elizabeth, ch. 5. "An Act for furtherance of justice in case of demurrer and pleadings."

31 Elizabeth, ch. 2. "An Act for abridging of Proclamations upon fines to be levied at the Common Law."

43 Elizabeth, ch. 8. "An Act against fraudulent administration of Intestate's Goods."

4 James 1, ch. 3. "An Act to give costs to the defendant, upon a non-suit of the plaintiff, or verdict against him."

7 James 1, ch. 12. "An Act to avoid the double payment of debts."

21 James 1, ch. 4. "An Act for the ease of the subject concerning information upon penal Statutes."

21 James 1, ch. 13. "An Act for the further reformation of Jeofails."

21 James 1, ch. 14. "An Act to admit the subject to plead the general issue in information of intrusions brought on the behalf of the King's Majesty, and retain his possession till trial."

21 James 1, ch. 15. "An Act to enable Judges and Justices of the Peace to give restitution of possession in certain cases."

21 James 1, ch. 16. "An Act for limitation of actions, and for avoiding of suits in law."

21 James 1, ch. 24. "An Act for the relief of Creditors against such persons as die in execution."

13 Charles 2, statute 2, ch. 2. "An Act for the prevention of vexations and oppressions by arrests, and of delays in suits of law."

16 Charles 2, ch. 7. "An Act against deceitful, disorderly, and excessive gaming."

16 & 17 Charles 2, ch. 8. "An Act to prevent arrests in judgment, and superseding executions."

17 Charles 2, ch. 7. "An Act for a more speedy and effectual proceeding upon distresses and avowries for rent."

17 Charles 2, ch. 8. "An Act for avoiding unnecessary suits and delays."

19 Charles 2, ch. 6. "An Act for redress of inconveniences by want of proof of the decease of persons beyond the seas, or absenting themselves, upon whose lives estates do depend."

22 & 23 Charles 2, ch. 10. "An Act for the better settling of intestate estates."

29 Charles 2, ch. 3. "An Act for prevention of frauds and perjuries."*

29 Charles 2, ch. 5. "An Act for taking affidavits in the country, to be made use of in the Court of King's Bench, Common Pleas, and Exchequer."

* Repealed in part by Act of Par. 1 Vic. ch. 26, extended by Act of Assembly, 4 Vic. ch. 23, and 11 Vic. ch. 1.

- No. 1. 29 Charles 2, ch. 7. "An Act for the better observation of the
 Act 40 G. 3, Lord's Day, commonly called Sunday."
 c. 2. 30 Charles 2, ch. 7. "An Act to enable Creditors to recover
 their debts of the Executors, and Administrators of Executors, in
 their own wrong."
- 31 Charles 2, ch. 2. "An Act for the better securing the
 liberty of the subject, and for the prevention of the imprisonment
 beyond the seas."
- 3 W. & M., ch. 14. "An Act for the relief of Creditors against
 fraudulent devices."
- 4 W. & M., ch. 4. "An Act for taking special bail in the
 country upon actions and suits depending in the Courts of King's
 Bench, Common Pleas, and Exchequer at Westminster."
- 4 & 5 W. & M., ch. 16. "An Act to prevent frauds by clan-
 destine mortgages."
- 4 & 5 W. & M., ch. 20. "An Act for the better discovery of
 judgments in the Courts of King's Bench, Common Pleas, and
 Exchequer at Westminster."
- 4 & 5 W. & M., ch. 21. "An Act for delivering declarations
 to Prisoners."
- 7 Wm. 3, ch. 3. "An Act for regulating of trials in cases of
 Treason and misprision of Treason."
- 7 & 8 Wm. 3, ch. 34. "An Act that the solemn affirmation
 and declaration of the people, called Quakers, shall be accepted,
 instead of an oath in the usual form."
- 8 & 9 Wm. 3, ch. 11. "An Act for the better preventing
 frivolous and vexatious suits."
- 8 & 9 Wm. 3, ch. 31. "An Act for the easier obtaining partition
 of land in copartenary, joint tenancy, and tenancy in common."
- 9 & 10 Wm. 3, ch. 15. "An Act for determination of differ-
 ences by arbitration."
- 9 & 10 Wm. 3, ch. 17. "An Act for the better payment of
 inland Bills of Exchange."
- 10 & 11 Wm. 3, ch. 16. "An Act to enable posthumous
 Children to take estates, as if born in their father's lifetime."
- 1 Anne, ch. 6, statute 2. "An Act for the better preventing
 escapes out of the Queen's Bench and Fleet Prison."
- 3 & 4 Anne, ch. 9. "An Act for giving like remedy upon
 Promissory Notes, as is now used upon Bills of Exchange, and for
 the better payment of the Inland Bills of Exchange."
- 4 Anne, ch. 16. "An Act for the amendment of the Law, and
 the better advancement of justice."
- 5 Anne, ch. 9. "An Act for rendering more effectual an Act
 passed in the first year of Her Majesty's Reign, intituled an Act for
 the better preventing escapes out of the Queen's Bench and Fleet
 Prisons."
- 6 Anne, ch. 18. "An Act for the more effectual discovery of
 the death of persons pretended to be alive, to the prejudice of those
 who claim estates after their deaths."
- 8 Anne, ch. 14. "An Act for the better security of rents, and
 to prevent frauds committed by tenants."
- 9 Anne, ch. 14. "An Act for the better preventing of exces-
 sive and deceitful gaming."
- 12 Anne, statute 2, ch. 18. "An Act for the preserving all
 such ships and goods thereof, which shall happen to be forced on

shore, or stranded upon the Coasts of this kingdom, or any other of Her Majesty's Dominions."*

5 Geo. 1, ch. 13. "An Act for the amendment of writs of error, and for the further preventing the arresting or reversing of judgments after verdict."

2 Geo. 2, ch. 21. "An Act for the trial of murders in cases where either the stroke, or death, only happens within that part of Great Britain called England."

2 Geo. 2, ch. 25. "An Act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money."†

4 Geo. 2, ch. 10. "An Act to enable idiots and lunatics, who are seized or possessed of estates in fee, or for lives, or for terms of years, in trust, or by way of mortgage, to make conveyances, surrenders or assignments of such estates."

4 Geo. 2, ch. 28. "An Act for the more effectual preventing frauds committed by tenants, and for the more easy recovery of rents and renewal of leases."

5 Geo. 2, ch. 25. "An Act for making process in Courts of Equity effectual against persons who abscond and cannot be served therewith, or who refuse to appear."

7 Geo. 2, ch. 15. "An Act to settle how far owners of ships shall be answerable for the acts of the Masters or Mariners."

7 Geo. 2, ch. 20. "An Act for the more easy redemption and foreclosure of mortgages."

11 Geo. 2, ch. 19. "An Act for the more effectual securing the payment of rents, and preventing frauds by tenants."

14 Geo. 2, ch. 17. "An Act to prevent inconveniences arising from delays of causes, after issue joined."

15 Geo. 2, ch. 30. "An Act to prevent the marriage of lunatics."

19 Geo. 2, ch. 21. "An Act more effectually to prevent profane cursing and swearing."

20 Geo. 2, ch. 19. "An Act for the better adjusting and more easy recovery of the wages of certain servants, and for the better regulation of such Servants, and of certain apprentices."

20 Geo. 2, ch. 30. "An Act for allowing persons impeached of high treason, whereby any corruption of blood may be made, or for misprision of such treason, to make their full defence by Counsel."

23 Geo. 2, ch. 11. "An Act to render prosecutions for perjury, and subornation of perjury more easy and effectual."

26 Geo. 2, ch. 19. "An Act for enforcing the law, against persons who shall steal, or detain, shipwrecked goods, and for relief of persons suffering losses thereby."‡

27 Geo. 2, ch. 3. "An Act for the better securing to Con-

No. 1.
Act 40 G. 3,
c. 2.

* So much of this Act as relates "to any person upon whom Goods stolen or carried off from any Vessel in distress, shall be found, and to the several offences touching Vessels in distress," is suspended by Act of Assembly, 5 William 4, ch. 11, & 2 Vic. ch. 5.

† This Act, except so far as relates to "Perjury, or subornation of Perjury," is repealed by Act of Assembly, 4 Vic. ch. 31.

‡ So much of this Act as relates "to any of the Felonies therein mentioned and to Search Warrants, and to property belonging to any vessel lost, stranded, or cast on shore, being found in any place, or in the possession of any person, and to any person offering, or exposing to sale, any such property, as is therein respectively mentioned," is suspended by 5 Wm. 4, ch. 11, & 2 Vic. ch. 5.

No. 1.
Act 40 G. 3,
c. 2.

Acts of Parli-
ament relative
to prerogatives
of the Crown
declared in
force.

Certain con-
veyances of
Real Estate
declared valid.

12 Charles 2,
ch. 24, in part
extended to the
Colony.

Rule of Con-
struction of
extended Sta-
tutes.

Penalties on
persons offend-
ing against ex-
tended Sta-
tutes.

stables and others, the expenses of conveying offenders to Jail, and for allowing the charges of poor persons bound to give evidence against Felons.”*

III. That all and every the Acts and Statutes, and parts of Acts and Statutes, of the Parliament of England, or of Great Britain, which relate to the prerogatives of the Crown, or to the allegiance of the people; also, such as require certain oaths (commonly called the State Oaths) and tests to be taken, or subscribed by the people of Great Britain; also, such as declare the rights, liberties, and privileges of the subject, are, and of right ought to be, of full force and virtue within this colony, as the same would be if the Bahama Islands were therein expressly named, or as if the aforesaid Acts and Statutes had been made and enacted by the Legislative Council of these Islands.

IV. That all deeds, conveyances, and settlements of lands, tenements, and hereditaments, heretofore made within these Islands, by lease and release, shall be good and valid, to all intents and purposes in the Law whatsoever, as if the Statute for transferring uses into possession had been declared to be in force at the time of the making of such deeds, conveyances, and settlements.

V. That so much of a Statute made in the twelfth year of King Charles the Second, entitled, “An Act for taking away the Court of wards and liveries, and tenures *in capite*, and by Knight’s service and purveyance, and for settling a revenue upon His Majesty in lieu thereof,” whereby it is enacted, that all tenures of any honours, manors, lands, tenements, or hereditaments, or any estate at the common Law, held either of the King, or any other person or persons, are turned into free and common soccage, and that fathers may dispose of the custody of their unmarried children, under the age of twenty-one years, is and of right ought to be, in full force and virtue within this colony, as the same would be if the Turks and Caicos Islands were therein expressly named, or as if the aforesaid Act had been made and enacted by the Legislative Council of these Islands.

VI. Provided always, and it is hereby declared, That the several Acts and Statutes hereby declared to be in force shall be taken, construed, and executed liberally, and according to the substantial effect and meaning of the same: And provided also, That nothing herein contained shall extend, or be construed to extend, to abridge, alter, or repeal any ordinance or ordinances of the Legislative Council of these Islands, or any article, clause, matter, or thing therein contained.

VII. That all persons offending against any of the Acts, or Statutes, which have hereby been declared to be in force within these Islands, shall suffer the same pains, penalties, and forfeitures as such persons would be liable to for such offence, if committed in England; and that all fines, penalties, and forfeitures imposed by any of the aforesaid Acts, or Statutes, shall and lawfully may be prosecuted, sued for, imposed, recovered and levied in the Supreme Court of these Islands, or other Court of corresponding jurisdiction, *mutatis mutandis*, as the case may be.

VIII. That the President for the time being, together with

* So much of this Act as relates “to the allowance of compensation to poor persons appearing on recognizance to give evidence against any one accused of Felony,” is suspended by 4 Wm. 4, ch. 25.

the Privy Council, constituting the Court of Chancery, have, and of right ought to have, power and authority to execute, within these Islands, so much as well of the aforesaid Statutes, as of the Common Law (except as herein excepted) as the Lord Chancellor, or Keeper of the Great Seal, may lawfully do in England.* That the Justices of the General Court have, and of right ought to have, power and authority to execute so much as well of the aforesaid Statutes, as of the Common Law (except as hereinbefore excepted) as the Justices of the Court of King's Bench and Common Pleas, and the Barons of the Exchequer, and Commissioners of Oyer and Terminer, Gaol Delivery, and Assize, lawfully may do in England. That His Majesty's Justices of the Peace within these Islands, have, and of right ought to have, power and authority to execute so much as well of the aforesaid Statutes as of the Common Law, (except as hereinbefore excepted), as lawfully may be executed in England. That the Provost Marshal of these Islands and his lawful Deputies, have, and of right ought to have, power and authority to execute so much as well of the aforesaid Statutes as of the Common Law (except as hereinbefore excepted), as may lawfully be executed by the Sheriff or under Sheriffs of any County in England. And that all Constables, Bailiffs, Ministers, and other Officers within these Islands, have, and of right ought severally and respectively to have, power and authority to execute so much as well of the aforesaid Statutes as of the Common Law (except as hereinbefore excepted) as any Constable, Minister, or other officer of the like style, name, or description, may lawfully execute in England.

No. 1.
Act 40 G. 3,
c. 2.

Power of Court
of Chancery
and Courts
and Officers of
Justice de-
fined.

Since the passing of the foregoing Act, the Acts of Parliament mentioned in the subjoined table have been declared in force in the Bahama Islands by various Acts of Assembly; and are extended to these islands by the Separation Act (11 Vic. c. 1):—

Act of Parliament.	Title of Act of Parliament, with the addition of any restrictive words which may be used in the Act declaring the same in force.	By what Act of Assembly declared in force.	Act in extenso.
3 Geo. 4, c. 71.	"An Act to prevent the cruel and improper treatment of cattle."	4 Vic. c. 30.	Page 358.
4 Geo. 4, c. 48.	"An Act for enabling Courts to abstain from pronouncing sentence of death in certain capital felonies."	" "	Appendix No. 1.
4 Geo. 4, c. 52.	"An Act to alter and amend the Law relating to the interment of the remains of any person found <i>Felo-de-se</i> ."	" "	Appendix No. 2.
6 Geo. 4, c. 129.	"An Act to repeal the Laws relating to the combination of workmen, and to make other provisions in lieu thereof."	3 Vic. c. 1.	Page 262.

* By Ordinance No. 3, of 1849, the powers of the Court of Chancery are vested in the President, and two members of the Legislative Council appointed by him. See *post*, Part III., Class I., No. 2.

<i>Act in extenso.</i>	Act of Parliament.	Title of Act of Parliament, with the addition of any restrictive words which may be used in the Act declaring the same in force.	By what Act of Assembly declared in force.
Appendix No. 3.	7 & 8 Geo. 4, c. 18.	"An Act to prohibit the setting of spring-guns, man-traps, and other engines calculated to destroy human life, or inflict grievous bodily harm."	4 Vic. c. 30.
Appendix No. 4.	9 Geo. 4, c. 32.	"An Act for amending the law of evidence in certain cases."	" "
Appendix No. 5.	10 Geo. 4, c. 7.	"An Act for the relief of His Majesty's Roman Catholic Subjects."	10 Geo. 4, c. 11.
Appendix No. 6.	2 & 3 Wm. 4, c. 71.	"An Act for shortening the time of prescription in certain cases."	9 Vic. c. 9.
Appendix No. 7.	3 & 4 Wm. 4, c. 27.	"An Act for the limitation of actions and suits relating to Real Property, and for simplifying the remedies for trying the rights there-to, save and except such parts of the said Act as relates to spiritual and eleemosynary corporations, sole and to advowsons."	" "
See page 84.	3 & 4 Wm. 4, c. 42.	"An Act for the further amendment of the Law and the better advancement of Justice." Provided, however, that the First, Seventh, Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-second, Thirty-sixth, Forty-second, Forty-third, Forty-fourth, and Forty-fifth clauses not being applicable to the Bahama Islands shall not be in force therein. Provided also, that no person being within any part of the Bahama Islands shall be deemed or taken to be beyond seas, for any purpose mentioned in the said Act.	3 Vic. c. 33.
See Appendix No. 8.	3 & 4 Wm. 4, c. 106.	"An Act for the amendment of the Law of Inheritance." Provided, however, that wherever the words "thirty-first day of December, one thousand eight hundred and thirty-three" are inserted in the Imperial Act, the same shall be construed to mean within this Colony the thirtieth day of June, one thousand eight hundred and forty-four, and wherever the words "first day of January, one thousand eight hundred and thirty-four" are inserted in the Imperial Act, the same shall be construed to mean within this Colony the first day of July, one thousand eight hundred and forty-four.	7 Vic. c. 15.

Act of Parliament.	Title of Act of Parliament, with the addition of any restrictive words which may be used in the Act declaring the same in force.	By what Act of Assembly declared in force.	<i>Act in extenso.</i>
6 & 7 Wm. 4, c. 111.	"An Act to prevent the fact of a previous conviction being given in evidence to the Jury in the case before them, except when evidence to character is given."	4 Vic. c. 30.	See Ap. No. 9.
6 & 7 Wm. 4, c. 114.	"An Act for enabling persons indicted of Felony, to make their defence by Counsel or Attorney."*	" "	See Ap. No. 10.
7 Wm. 4, & 1 Vic. c. 26.	"An Act for the amendment of the law with respect to Wills." Provided always, that the said statute shall not extend to any Will made within these islands, before, or on the thirty-first day of May, in the year of our Lord one thousand eight hundred and forty-one.	4 Vic. c. 23.	See page 70.
7 Wm. 4, & 1 Vic. c. 28.	"An Act to amend An Act of the 3rd and 4th years of His late Majesty for the limitation of Actions and Suits relating to Real Property, and for simplifying the remedies for trying the rights thereto."	9 Vic. c. 9.	See Ap. No. 11.
7 Wm. 4, & 1 Vic. c. 88.	"An Act to amend certain Acts relating to the crime of Piracy."	4 Vic. c. 30.	See Ap. No. 12.
4 & 5 Vic. c. 21.	"An Act for rendering a release as effectual for the conveyance of freehold Estates as a lease and release of the same parties," save and except so much as refers to the payment of stamp duty.	9 Vic. c. 9.	See Ap. No. 13.
6 & 7 Vic. c. 96.	"An Act to amend the law respecting . defamatory words and libel," with the exception of the 10th clause. Provided always, that it shall not be competent to any defendant in any action referred to and mentioned in the second section of the said Act of Parliament, to file a plea under the authority of the said second section without at the same time making a payment of money into Court by way of amends, as provided by the said Act, but every such plea so filed without payment of money into Court, shall be deemed a nullity, and may be treated as such by the plaintiff in the action.	10 Vic. c. 8.	See Ap. No. 14.

* This Act is in part repealed by Ord. No. 4, 1855.

<i>Act in extenso.</i>	Act of Parliament.	Title of Act of Parliament, with the addition of any restrictive words which may be used in the Act declaring the same in force.	By what Act of Assembly declared in force.
See Ap. No. 15.	8 & 9 Vic. c. 106.	"An Act to amend the Law of Real Property," save and except so much as refers to the payment of stamp duty.	9 Vic. c. 9.
See Ap. No. 16.	8 & 9 Vic. c. 119.	"An Act to facilitate the conveyance of Real Property," save and except so much thereof as refers to the payment of stamp duty.	" "
See Ap. No. 17.	9 & 10 Vic. c. 62.	"An Act to abolish Deodands."	10 Vic. c. 7.
See Ap. No. 16.	9 & 10 Vic. c. 93.	"An Act for compensating the families of persons killed by accidents."	" "

No. 11.
Act 11 Vic.
c. 1.

At the separation of the Turks and Caicos Island from the Government of the Bahamas, the following Acts of the Bahama Legislature were extended by the Act 11 Vic. ch. 1,* Sect. 12.

40 Geo. 3, ch. 2. All that Act passed in the 40th year of the reign of King George the Third, to declare how much of the laws of England are practicable within the Bahama Islands, and ought to be in force within the same.

41 Geo. 3, ch. 3. Also all that Act passed in the forty-first year of the reign of King George the Third to reduce the rate of interest, without prejudice to any former securities or contracts made previous to the first day of January, one thousand eight hundred and two, and for ascertaining the damages on bills of exchange.

50 Geo. 3, ch. 4. Also all that Act passed in the fiftieth year of the reign of King George the Third for regulating the distribution of the goods and effects of children dying intestate, without wife or children, after the death of the father, and in the lifetime of the mother of such children so dying intestate.

51 Geo. 3, ch. 15. Also all that Act passed in the fifty-first year of the reign of King George the Third to enable husband and wife, by deed, to convey and alien the plantations, lands, and tenements of the wife, or of the husband and wife jointly, situate and being within the Bahama Islands.

53 Geo. 3, ch. 6. Also all that Act passed in the fifty-third year of the reign of King George the Third for regulating the charges of executors, administrators, and guardians, and for other purposes therein mentioned.

2 Geo. 4, ch. 32. Also all that Act passed in the second year of the reign of King George the Fourth concerning certain probates of deeds in the United States of America, and to suspend an Act therein mentioned.

6 Geo. 4, ch. 12. Also all that Act passed in the sixth year of the reign of King George the Fourth to authorize the Bishop of Jamaica to exercise ecclesiastical jurisdiction over the clergy within the Bahama Islands.

* The other clauses of the Act will be found *ante*, Part I. No. 1.

8 Geo. 4, ch. 9. Also all that Act passed in the eighth year of the reign of King George the Fourth, for regulating the office of Coroner of the islands called Turks Islands, and for the better mode of compelling jurors or other persons summoned to attend on inquests, and for other purposes.

No. 11.
Act 11 Vic.
c. 1.

10 Geo. 4, ch. 8. Also all that Act passed in the tenth year of the reign of King George the Fourth, for rendering a written memorandum necessary to the validity of certain promises and agreements.

10 Geo. 4, ch. 11. Also all that Act passed in the tenth year of the reign of King George the Fourth, to declare in force within these islands a certain statute of the United Kingdom of Great Britain and Ireland, made and passed in the tenth year of the same reign for the relief of His Majesty's Roman Catholic subjects.

4 Wm. 4, ch. 1. Also all that Act passed in the fourth year of the reign of King William the Fourth to relieve His Majesty's free coloured and black subjects of the Bahama Islands from all civil disabilities.

4 Wm. 4, ch. 2. Also all that Act passed in the fourth year of the reign of King William the Fourth, for regulating the making and repairing of division walls or fences on the several islands therein mentioned.

4 Wm. 4, ch. 6. Also all that Act passed in the fourth year of the reign of King William the Fourth, relative to offences against the person.

4 Wm. 4, ch. 11. Also all that Act passed in the fourth year of the reign of King William the Fourth, to prevent the resort of rogues, vagabonds, and other idle and disorderly persons to the Bahama Islands; for the punishment and correction of certain offences therein specified, and for other purposes therein mentioned.

4 Wm. 4, ch. 15. Also all that Act passed in the fourth year of the reign of King William the Fourth, to enable the masters of foreign vessels arriving within these islands to obtain the arrest of seamen deserting from, or refusing to return in such vessels.

4 Wm. 4, ch. 25. Also all that Act passed in the fourth year of the reign of King William the Fourth, for improving the administration of criminal justice in these islands; for suspending certain Acts therein mentioned, and for other purposes.

4 Wm. 4, ch. 32. Also all that Act passed in the fourth year of the reign of King William the Fourth, the better to prevent the unlawful cutting of timber, or other wood, or bark on lands within this Government, without sufficient authority.

5 Wm. 4, ch. 9. Also all that Act passed in the fifth year of the reign of King William the Fourth, to amend an Act of the General Assembly of these islands, entitled "An Act to relieve His Majesty's free coloured and black subjects of the Bahama Islands from all civil disabilities."

5 Wm. 4, ch. 10. Also all that Act passed in the fifth year of the reign of King William the Fourth, for the more effectual punishment of persons committing malicious injuries to property.

5 Wm. 4, ch. 38. Also all that Act passed in the fifth year of the reign of King William the Fourth, for securing an efficient registration of births, baptisms, marriages, and deaths within the colony; and to provide for the baptisms of children in parishes

No. 11.
Act 11 Vic.
c. 1.

and districts where there may be no resident minister of the Church of England.

6 Wm. 4, ch. 40. Also all that Act passed in the fifth year of the reign of King William the Fourth, for the protection and encouragement of friendly societies, and for preventing fraud and abuses therein.

6 Wm. 4, ch. 7. Also all that Act passed in the sixth year of the reign of King William the Fourth, for the summary punishment of persons burning and destroying the standing woods and other property of His Majesty and his subjects, by the careless use of fire.

6 Wm. 4, ch. 15. Also all that Act passed in the sixth year of the reign of King William the Fourth, for regulating prison discipline, and for other purposes.

1 Vic. ch. 4. Also all that Act passed in the first year of the reign of Her present Majesty, to declare the validity of certain marriages solemnized within the Bahama Islands, and to provide for the registering thereof.

2 Vic. ch. 3. Also all that Act passed in the second year of Her present Majesty, to regulate the relative duties of masters of ships or vessels employed in the Merchant Service of the Bahamas, and of seamen so employed, and for other purposes.

2 Vic. ch. 4. Also all that Act passed in the second year of the reign of Her said Majesty, to declare British sterling money to be the money of account throughout the Bahama Islands.

2 Vic. ch. 5. Also all that Act passed in the second year of the reign of Her present Majesty, for consolidating and amending the laws relative to larceny, and other offences connected therewith.

2 Vic. ch. 10. Also all that Act passed in the second year of Her Majesty's reign, to extend the provision of the Out-island Division Wall Act, to certain other islands within this Government.

2 Vic. ch. 13. Also all that Act passed in the second year of the reign of Her said Majesty, for the regulation of marriages within the Bahama Islands, and for other purposes.

3 Vic. ch. 1. Also all that Act passed in the third year of the reign of Her said Majesty, for regulating the relative duties of masters and servants, for providing for the apprenticing of children, and for other purposes.

3 Vic. ch. 2. Also all that Act passed in the third year of the reign of Her said Majesty, to provide a summary remedy against the occupation of land by persons having no title to the same.

3 Vic. ch. 3. Also all that Act passed in the third year of the reign of Her said Majesty, for the better suppression of vagrancy, and for the punishment of idle and disorderly persons, and rogues, vagabonds, and other vagrants.

3 Vic. ch. 11. Also so much of that Act passed in the third year of the reign of Her said Majesty, for the support of Her Majesty's Government within these islands as relates to the salaries of public officers at Turks Islands, and the Caicos Islands.

3 Vic. ch. 12. Also all that Act passed in the third year of the reign of Her Majesty Queen Victoria, entitled "An Act to amend an Act, entitled 'An Act for the support of Her Majesty's Government within these islands.'"

3 Vic. ch. 33. Also all that Act passed in the third year of the reign of Her said Majesty, to extend to these islands an Act

passed in the third and fourth years of the reign of His Majesty, King William the Fourth, entitled "An Act for the further administration of the law, and the better advancement of justice."

No. 11.
Act 11 Vic.
c. 1.

3 Vic. ch. 34. Also all that Act passed in the third year of the reign of Her said Majesty, to amend an Act of the said third year of Her Majesty's reign relating to vagrancy.

3 Vic. ch. 35. Also all that Act passed in the third year of the reign of Her said Majesty, to amend an Act passed in the second year of Her Majesty's reign relative to larceny.

3 Vic. ch. 36. Also all that Act passed in the third year of the reign of Her said Majesty, to amend an Act for regulating the relative duties of masters and servants, for providing for the apprenticing of children, and for other purposes.

3 Vic. ch. 37. Also all that Act passed in the third year of the reign of Her said Majesty, to amend an Act to provide a summary remedy against the occupation of land by persons having no title to the same.

4 Vic. ch. 11. Also all that Act passed in the fourth year of the reign of Her said Majesty for consolidating and amending the laws relative to damages done by cattle running loose, and other subjects connected therewith.

4 Vic. ch. 23. Also all that Act passed in the fourth year of the reign of Her said Majesty to declare in force within these islands a certain statute of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, entitled "An Act for the amendment of the laws with respect to wills."

4 Vic. ch. 24. Also all that Act passed in the fourth year of the reign of Her said Majesty, to promote and encourage steam navigation between this colony and Great Britain, for the conveyance of mails and passengers.

4 Vic. ch. 25. Also all that Act passed in the fourth year of the reign of Her said Majesty, to amend the Act of the fifth year of the reign of King William the Fourth, relative to malicious injuries to property.

4 Vic. ch. 27. Also all that Act passed in the fourth year of the reign of Her said Majesty, to amend the Act of the second year of Her Majesty's reign, relative to larceny.

4 Vic. ch. 29. Also all that Act passed in the fourth year of the reign of Her said Majesty, to amend the Act of the fourth year of King William the Fourth, relative to offences against the person.

4 Vic. ch. 30. Also all that Act passed in the fourth year of the reign of Her said Majesty, declaring certain Acts of Parliament to be in force within these islands.

4 Vic. ch. 31. Also all that Act passed in the fourth year of the reign of Her said Majesty, to amend the laws relative to forgery.

4 Vic. ch. 32. Also all that Act passed in the fourth year of the reign of Her said Majesty, for granting certain privileges to vessels of the Royal Yacht Squadron arriving within the Bahama Islands.

5 Vic. ch. 12. Also all that Act passed in the fifth year of the reign of Her said Majesty, to authorize the erection of piers or abutments at Turks Islands.

6 Vic. ch. 5. Also all that Act passed in the sixth year of the

No. 11.
Act 11 Vic.
c. 1.

reign of Her said Majesty, for taking away the punishment of death in certain cases, and substituting other punishments in lieu thereof.

7 Vic. ch. 11. Also all that Act passed in the seventh year of the reign of Her said Majesty, to amend the laws for preventing the cruel and improper treatment of cattle and other animals.

7 Vic. ch. 13. Also all that Act passed in the seventh year of the reign of Her said Majesty, to amend an Act entitled "An Act to amend an Act to provide a summary remedy against the occupation of land by persons having no title to the same."

7 Vic. ch. 15. Also all that Act passed in the seventh year of the reign of Her said Majesty, to declare in force within these islands an Act of the Imperial Parliament, passed in the third and fourth years of the reign of His late Majesty King William the Fourth, entitled "An Act for the amendment of the law of inheritance."

7 Vic. ch. 16. Also all that Act passed in the seventh year of the reign of Her said Majesty, to explain an Act entitled "An Act for consolidating and amending the laws relative to larceny, and other offences connected therewith."

7 Vic. ch. 23. Also so much of that Act passed in the seventh year of the reign of Her Majesty, to authorize certain deductions from the salaries of public officers, and to provide for the payment of pensions to their widows and orphans, as relates to the public officers of Turks Islands and the Caicos Islands.

8 Vic. ch. 4. Also all that Act passed in the eighth year of the reign of Her said Majesty, to authorize the mitigation of pecuniary penalties in certain cases.

8 Vic. ch. 42. Also all that Act passed in the eighth year of the reign of Her said Majesty, to amend an Act entitled "An Act to authorize certain deductions from the salaries of public officers, and to provide for the payment of pensions to their widows and orphans."

8 Vic. ch. 46. Also all that Act passed in the eighth year of the reign of Her Majesty, to amend an Act, entitled "An Act to provide a summary remedy against the occupation of land by persons having no title to the same."

8 Vic. ch. 49. Also all that Act passed in the eighth year of the reign of Her Majesty, further to reduce the value within these islands of a certain coin called a Peseta.

9 Vic. ch. 8. Also all that Act passed in the ninth year of the reign of Her said Majesty, for regulating the rates of wharfage, storage, and scaleage.

9 Vic. ch. 9. Also all that Act passed in the ninth year of the reign of Her said Majesty, to declare certain Acts of Parliament, relating to the law of real property in force within these islands, and to repeal a certain Act of Assembly therein mentioned.

9 Vic. ch. 10. Also that Act passed in the ninth year of the reign of Her said Majesty, for granting to Her Majesty a certain annual income for a limited period, in lieu of quit rents, and for providing for the collection or commutation of such quit rents, so far as relates to lands at Turks Islands and the Caicos.

9 Vic. ch. 12. Also all that Act passed in the ninth year of the reign of Her said Majesty, to amend an Act entitled, "An Act for the better prevention of vagrancy, and for the punishment of idle and disorderly persons, and rogues, vagabonds, and other vagrants."

No. 11.
Act 11 Vic.
c. 1.

9 Vic. ch. 14. Also all that Act passed in the ninth year of the reign of Her said Majesty, to repeal an Act for regulating the hawking of goods, wares, and merchandize, and to make other provisions relating thereto.

10 Vic. ch. 5. Also all that Act passed in the tenth year of the reign of Her said Majesty, to authorize the sale of the Parsonage-house and premises situate at Grand Cay, Turks Islands, in the Parish of Saint Thomas, and for making provisions for the renting of a residence for the Rector of the said Parish.

10 Vic. ch. 6. Also all that Act passed in the tenth year of the reign of Her said Majesty for the establishment and regulation of a public market at Grand Cay, Turks Islands.

10 Vic. ch. 7. Also all that Act passed in the tenth year of the reign of Her Majesty, to declare in force within these Islands two Acts of Parliament of the ninth and tenth years of Her Majesty's reign relating to deodands and deaths by accident.

10 Vic. ch. 8. Also all that Act passed in the tenth year of the reign of Her Majesty, to declare in force within the Colony an Act of the Imperial Parliament, entitled, "An Act to amend the law respecting defamatory words and libel."

10 Vic. ch. 9. Also all that Act passed in the tenth year of the reign of Her Majesty, for preventing malicious injuries to persons and property by fire or explosive or destructive substances.

10 Vic. ch. 11. Also all that Act passed in the tenth year of the reign of Her Majesty, for the better regulating appeals in cases of summary conviction.

10 Vic. ch. 14. Also all that Act passed in the tenth year of the reign of Her Majesty, to amend an Act entitled "An Act for the support of Her Majesty's Government within these Islands as relates to Public Officers at Turks Islands."

10 Vic. ch. 20. Also all that Act passed in the tenth year of the reign of Her said Majesty for making provision for the recovery of small debts on certain islands of this Colony.

10 Vic. ch. 29. Also all that Act passed in the tenth year of the reign of Her said Majesty, to amend an Act of the General Assembly of the Bahama Islands relating to Friendly Societies.

10 Vic. ch. 30. Also all that Act passed in the tenth year of the reign of Her Majesty, to enable Courts of Law to order the examination of witnesses upon interrogatories or otherwise.

10 Vic. ch. 32. Also all that Act passed in the tenth year of the reign of Her Majesty for improving the law of Evidence; as also all Acts continuing any of the before-mentioned Acts. And also all such Acts as may be passed during the present session of Assembly, and which may not, by express words, be declared not to extend to the said Islands, or which, from their subject matter, shall necessarily not so extend.*

11 Vic. ch. 3. An Act to amend the laws regulating the recovery of small debts and damages.

11 Vic. ch. 4. An Act for facilitating the naturalization of aliens.

* The following Acts were extended to, and became in force in, the Turks and Caicos Islands by the last clause, viz., 11 Vic. chapters 1, 2, 3, 4, 6, 7, 8, 11, 13, 17, 20, 21, 22, 23, 24, 25, 27, making a total of 140 Acts extended at the time of the separation. The Acts of 11 Vic. now in force are enumerated in their order.

No. 11.
Act 11 Vic.
c. 1.

11 Vic. ch. 6. An Act for protecting in the Bahamas the rights of British authors.

11 Vic. ch. 7. An Act for the abolition of unnecessary oaths.

11 Vic. ch. 8. An Act to amend an Act entitled "An Act for consolidating and amending the laws relative to damages done by cattle running loose, and other subjects connected therewith."

11 Vic. ch. 11. An Act for the more efficient punishment of certain offences therein mentioned.

11 Vic. ch. 25. An Act for the more speedy trial and punishment of juvenile offenders.

11 Vic. ch. 27. An Act to enable Courts of Law to give relief against adverse claims made upon persons having no interest in the subject of such claims.

Since the separation, the following Statutes and parts of Statutes have been extended to these Islands by Ordinance, viz :—

No. 12.
Ord. No. 9,
1855.

No. 12.—Ord. No. 9 of 1855. To amend the practice and mode of pleading in the Supreme Court of these Islands, and to extend certain clauses of an Act of the Imperial Parliament, passed in the 15th & 16th years of Her Majesty's reign, "To amend the process, practice, and modes of pleading in the Superior Courts of Common Law at Westminster, and in the Superior Courts of the Counties Palatine of Lancaster and Durham."

No. 13.
Ord. No. 5,
1856.

No. 13.—Ord. No. 5 of 1856. To declare in force within these Islands the Statute 15 and 16 Vic. ch. 24; "An Act for the amendment of an Act" passed in the first year of Her Majesty's reign, "to amend the Laws with respect to Wills."

DIVISION II.—ORDINANCES CONTINUING CERTAIN ACTS OF THE GENERAL ASSEMBLY OF THE BAHAMAS ABOUT TO EXPIRE, AND RE-ENACTING OTHERS WHICH HAD EXPIRED.

No. 14.
Ord. No. 10,
1851.

No. 14.—ORDINANCE No. 10 of 1851.

An Ordinance to re-enact and continue certain Acts of the Bahama Legislature, of limited duration, which were extended to these Islands by the Separation Act, but some of which have already expired and others are about to expire. (Passed 29th Nov. 1851. Confirmed 16th August, 1852.)

WHEREAS under the twelfth section of an Act passed in the 11th year of your Majesty's reign, entitled "An Act to authorize the separation of the islands commonly called the Turks and Caicos Islands and the other islands therein mentioned, from the Bahama Government,"—it was enacted, that all the Acts of the General Assembly of the Bahama Islands therein recited, except so far as therein is excepted, and also all such Acts as might be passed during the then Session of Assembly, and which might not by express words be declared not to extend to these islands, or

which from their subject matter should necessarily not so extend, should continue and remain in force within these islands, after the severance of these islands from the Bahama Government: And whereas, many of the said Acts are about to expire, and it is expedient that they should remain and be continued in force: And whereas, others of the said Acts may be deemed to have expired, and it is expedient that they should be re-enacted; May it, &c., That all and singular the Acts hereinbefore referred to as having expired, or being about to expire, and enumerated in the Schedule to this Ordinance annexed, shall be and the same are in full force and effect, from and after the commencement of this Ordinance, for and during the term of five years and from thence to the end of the next session of the Legislative Council and no longer. Provided that nothing hereinbefore contained shall be held to apply to any Ordinance or Ordinances which have been or may hereafter be repealed or suspended by any Ordinance of the Council of these islands.

No. 14.
Ord. No. 10,
1851.

SCHEDULE OF ACTS RE-ENACTED AND CONTINUED.

7 Geo. 4, ch. 15. Expired in 1856.

9 Geo. 4, ch. 6. Superseded by Ord. 3, 1852.

4 Wm. 4, ch. 2. An Act passed in the fourth year of the reign of King William the Fourth, for regulating the making and repairing of division walls or fences on the several islands therein mentioned.

4 Wm. 4, ch. 5. Expired in 1856.

4 Wm. 4, ch. 7. Repealed by Ord. 12, 1855.

4 Wm. 4, ch. 11. An Act passed in the fourth year of the reign of King William the Fourth, to prevent the resort of rogues, vagabonds, and other idle and disorderly persons to the Bahama Islands; for the punishment and correction of certain offences therein specified, and for other purposes therein mentioned.

4 Wm. 4, ch. 15. An Act passed in the fourth year of the reign of King William the Fourth, to enable the masters of foreign vessels arriving within these islands to obtain the arrest of seamen deserting from, or refusing to return in such vessels.

4 Wm. 4, ch. 31. Expired in 1856.

4 Wm. 4, ch. 32. An Act passed in the fourth year of the reign of King William the Fourth, the better to prevent the unlawful cutting of timber or other wood or bark on lands within this Government without sufficient authority.

6 Wm. 4, ch. 6. Repealed by Ord. 12, 1855.

6 Wm. 4, ch. 15. An Act passed in the sixth year of the reign of King William the Fourth, for regulating prison discipline and for other purposes.

2 Vic. ch. 10. An Act passed in the second year of Her Majesty's reign to extend the provisions of the Out-Island division Wall Act to certain other islands within this government.

2 Vic. ch. 16. Repealed by Ord. 12, 1855, and as far as regards "gaolers" is re-enacted by Ord. 2, 1857, sect. 2.

3 Vic. ch. 23. Expired in 1856.

4 Vic. ch. 11. An Act passed in the fourth year of the reign of Her said Majesty for consolidating and amending the laws relative to damages done by cattle running loose, and other subjects connected therewith.

- No. 14. 6 Vic. ch. 6. Repealed by Ord. 12, 1855.
 Ord. No. 10, 8 Vic. ch. 28. Repealed by Ord. 12, 1855.
 1851. 9 Vic. ch. 8. An Act passed in the ninth year of the reign of
 Her said Majesty for regulating the rates of wharfage, storage, and
 scaleage.
 9 Vic. ch. 14. An Act passed in the ninth year of the reign of
 Her said Majesty, to repeal an Act for regulating the hawking of
 goods, wares, and merchandise, and to make other provisions re-
 lating thereto.
 10 Vic. ch. 1. Superseded by Ord. 4, of 1853.
 11 Vic. ch. 8. An Act passed in the eleventh year of the reign
 of Her said Majesty to amend an Act entitled "An Act for consoli-
 dating and amending the laws relative to damages done by cattle
 running loose and other subjects connected therewith."

No. 15.
 Ord. No. 8,
 1852.

No. 15.—ORDINANCE No. 8 of 1852.

An Ordinance to indemnify all Persons who may have acted under certain Acts of the Bahama Legislature which had expired. (Passed 27th October, 1852. Confirmed 23rd May, 1853.)

PREAMBLE.

WHEREAS certain Acts of the Bahama Legislature which were declared to be in force within these islands, by the Separation Act, had expired; And whereas Justices of the Peace and other persons may have acted under the authority of the said Acts while in abeyance; And whereas, the said Acts have been re-enacted by Ordinance No. 10 of 1851, and it is expedient to indemnify all persons who may have so acted as aforesaid; May it, &c.

Persons indem-
 nified who have
 acted under
 certain Acts.

I. That all things done in accordance with the provisions of any of the Acts aforesaid, were, and are good and valid in law to all intents and purposes whatsoever,—and that any person or persons who have so acted in accordance with the said provisions are, and they are hereby indemnified for any act or acts by him or them so done and performed.

No. 16.
 Ord. No. 2,
 1857.

No. 16.—ORDINANCE No. 2 of 1857.

An Ordinance to continue in force certain Acts of the Bahama Legislature in force within this Presidency by Ordinance No. 10 of 1851, for a limited period. (Passed 1st June, 1857. Confirmed 6th November, 1857.)

PREAMBLE

WHEREAS by Ordinance No. 10 of 1851, entitled "An Ordinance to re-enact and continue in force certain Acts of the Bahama Legislature of limited duration, which were extended to these islands by the Separation Act, but some of which have already expired and others are about to expire:" It was ordained "that certain Acts of the Bahama Legislature, enumerated in the Schedule to the said Ordinance annexed, should be in full force and effect within these islands from and after the commencement of the said Ordinance, for and during the term of five years, and from thence

to the end of the next session of the next session of the Legislative Council, and no longer." And whereas the aforesaid term of five years is about to expire, and it is expedient that some of the Acts specified in the hereinbefore mentioned Schedule should be continued in force, and re-enacted ; May it, &c.

That the several Acts in the Schedule hereunto annexed enumerated, shall be, and the same are hereby continued in force within this Presidency for the further term of five years, and from thence to the end of the then next session of the Legislature.

II. And whereas in and by Ordinance No. 12 of 1855, for regulating the police of these islands, the Act of the Bahama Islands, 2nd Vict. chap. 16, was repealed as far as the same related to the appointment, duties, and salaries of stipendiary constables and gaolers ; and whereas the word "gaolers" was inserted therein by mistake, and it is expedient that such mistake should be rectified : Be it therefore ordained that the said Act, so far as relates to the appointment, duties, and salaries of gaolers shall continue and be in force for and during the same period as the Acts in the Schedule to this Ordinance enumerated.

No. 16.
Ord. No. 2,
1857.

SCHEDULE OF ACTS OF THE BAHAMA LEGISLATURE CONTINUED.*

- 4 Wm. 4, chapter 2.
- 4 Wm. 4, chapter 11.
- 4 Wm. 4, chapter 15.
- 4 Wm. 4, chapter 32.
- 6 Wm. 4, chapter 15.
- 2 Vic. chapter 10.
- 4 Vic. chapter 11.
- 9 Vic. chapter 8.
- 9 Vic. chapter 14.
- 11 Vic. chapter 8.

CLASS II.

LAWS RELATING TO THE LEGISLATIVE POWERS OF THE COUNCIL, AND OTHER MATTERS CONNECTED WITH THE REPRESENTATION OF THE PEOPLE.

No. 1.—11 Vic. cap. 1. *An Act to authorize the separation of the islands commonly called the Turks Islands, and the other islands therein mentioned, from the Bahama Government.* (March 22, 1845.)

No. 1.
Act 11 Vic.
c. 1.

IV. And be it enacted, That from and after the commencement of this Act, the Legislative Authority in the said Turks Islands and Caicos Islands shall be vested in the President administering the Government and a Council of eight other persons, four of whom shall be from time to time nominated by Her Majesty, her heirs and successors, and shall hold their office during pleasure ; and the other four shall be elected by a majority of the taxpayers of the

Legislative authority of Turks Islands and Caicos to be vested in President and Council of eight.

* The titles of the Acts will be found *ante*, this Part, No. 14.

No. 1.
Act 11 Vic.
c. 6.

Mode of election of four of the Council.

Mode of deciding questions in Council.

Her Majesty in Council to regulate and define the powers of the Council.

said Turks Islands and Caicos Islands, who are able to read and write.

V. And be it enacted, That the said four last-mentioned Councillors shall be elected in such manner, and for such term of years as Her Majesty, her heirs and successors, from time to time, by any Order or Orders in Council for that purpose to be made and issued, shall regulate and appoint.

VI. And be it enacted, That the said Council shall be presided over by the said President, and that all questions which shall arise therein shall be decided by a majority of voices of the members present, other than the said President; and when the voices shall be equal the President shall have the casting vote.

VII. And be it enacted, That the Legislative and other powers of the said Council shall be regulated and defined in such manner as Her Majesty, her heirs and successors, by any Order in Council to be for that purpose made and issued, shall limit, direct, and appoint.*

No. 2.
Order in Council,
1848.

Act 11 Vic.
chap. 1.
Who are qualified as voters.

Qualification of Members, &c.

Acts of Assembly concerning Elections declared in force where not inconsistent with 11 Vic. c. 1, or this Order.

No. 2.—*Order in Council, No. 2, dated 11th August, 1848.*†
(See Order in extenso, ante, Part I. No. 3.)

I. It is hereby ordered by the Queen's Most Excellent Majesty, by and with the advice of her Privy Council, that from and after the 25th day of December in the present year, being the day of the commencement of the said last-mentioned Act, it shall and may be lawful for the taxpayers, who are able to read and write, of the said islands, commonly known and designated as the "Turks Islands," to elect and send to represent them in the said Legislative Council two members. And it shall and may be lawful for the taxpayers who are able to read and write, of the said islands commonly known and designated as the "Caicos Islands," also to elect and send to represent them in the said Legislative Council, two members.

II. And it is further ordered, that the qualifications of the elective members of the said Legislative Council, and all other matters, save and except the qualifications of the electors, and any matter or thing herein otherwise provided relating to the election of members to serve in the said Legislative Council, shall, until otherwise regulated and appointed by any Order or Orders to be for that purpose made and issued by Her said Majesty, her heirs and successors, by and with the advice of her Privy Council, or by any Act of Legislature of the said islands, be according to the form of the said hereinbefore mentioned Act of the said Legislature of the Bahamas, made and passed in the 47th year of the reign of His said late Majesty King George the Third, entitled "An Act for consolidating the several Acts for regulating elections and qualifications of members of the General Assembly of these islands, and of electors, and for ascertaining and deciding the limits and bounds of the several islands and districts within this Government, which send

* The remaining clauses of this Act will be found ante, Part I. No. 1.

† By this order the Acts 40 Geo. 3, c. 7, and 5 Wm. 4, c. 30, respecting Elections at these Islands, are virtually repealed.

representatives to the General Assembly, and for other purposes therein mentioned," and according to the provisions of any other Act, or Acts, for regulating elections, in force in the Bahama Islands, at the time of the passing of the said hereinbefore-mentioned Act of the 11th year of the reign of Her present Majesty, and so far only as such provisions are not inconsistent with the said last-mentioned Act or this present Order.

No. 2.
Order in
Council,
1848.

III. And it is further ordered, that each of the four elective members, if duly elected, and he shall have taken and subscribed the oaths taken by members of the General Assembly of the Bahama Islands, as prescribed by the said Act of the said 47th year of the reign of His said late Majesty King George the Third, shall become and continue to be a member of the said Council for the space of five years from the day of his said election, unless the said Council shall be sooner dissolved, subject nevertheless to the provisions hereinafter contained for vacating the same.

Duration of
Council five
years.

IV. And it is further ordered, that it shall be lawful for Her Majesty, by any warrant, or warrants, to be from time to time issued under Her Majesty's sign manual, and countersigned by one of her principal Secretaries of State, to nominate such part of the said Council, as is to be appointed by Her Majesty, and to designate such non-elective members of the said Council, either by their proper names, or as holders, for the time being, of any public offices within the said Turks Islands and Caicos Islands and their dependencies. And it shall also be lawful for Her Majesty by any such warrant or warrants from time to time, to delegate to the said President the power of nominating and designating such non-elective members of the said Council, either by their proper names, or as holders for the time being of any such public office as aforesaid, which delegated power shall nevertheless be exercised by any such President provisionally only, and until Her Majesty's pleasure be known, and shall not be exercised until the return of the writs for the election of all the elective members.

Non-Elective
Members, how
appointed.

V. And it is further ordered, that every appointment which shall be made by the said President of any non-elective member of the said Council, shall be made by letters patent to be for that purpose issued under the public seal of the colony.

If by President,
to be by Letters
Patent.

VI. And it is further ordered, that it shall be lawful for any non-elective member of the said Council, by writing under his hand, addressed to the President, to resign his seat in the said Legislative Council, and upon such resignation the seat of such Legislative Councillor shall become vacant.

Non-Elective
Member may
resign,

VII. And it is further ordered, that if any non-elective member of the said Council shall become bankrupt, or take the benefit of any law relating to insolvent debtors, or become a public defaulter, or be attainted of treason, or be convicted of felony or any infamous crime, or shall become non compos mentis, his seat in such Council shall thereby become vacant.

or his seat may
become vacant.

VIII. And it is further ordered, that in case of the vacancy of the seat of any non-elective member of the said Council who shall have been designated as the holder of a public office, the seat shall continue vacant until the appointment of another person to fill the same office, and in case of the vacancy of the seat of any non-elective member of the said Council, who shall have been designated by his proper name, it shall be lawful for the President to

Appointments
in certain cases.

No. 2.
Order in
Council,
1848.

designate by name and appoint some person to the place in the said Council of the member so vacating his seat, which appointment shall be valid and effectual until the same shall be disallowed by Her Majesty, or until a new appointment made by warrant to be issued as aforesaid, under Her Majesty's sign manual and countersigned by one of Her Majesty's principal Secretaries of State; and in case any such appointment shall be disallowed by Her Majesty, the said President shall make a new appointment, subject as aforesaid to Her Majesty's approval, and every such appointment, disallowance, and new appointment, shall take effect from the time of the notification thereof by the said President in the Government Gazette of the said colony.

Time and place
for meeting of
Council to be
fixed by Presi-
dent.

IX. And it is further ordered, that it shall be lawful for the said President for the time being to fix such place or places within any part of the said Turks and Caicos Islands and their dependencies, and such times for holding the first and every other session of the said Council, as he may think fit; such times and places to be changed or varied as the said President may judge advisable and most consistent with general convenience and the public welfare, giving sufficient notice thereof, and also to prorogue the said Council from time to time, and dissolve the same by proclamation or otherwise, whenever he shall deem it expedient.

One session in
each year.

X. And it is hereby further ordered, that there shall be a session of the said Council once at least in every year, so that a period of twelve calendar months shall not intervene between the last sitting of the Council in one session, and the first sitting of the Council in the next session; and that every Council shall continue for five years from the day of the return of the writs for the choosing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the said President.

Duration five
years, if not
sooner dis-
solved.

Period fixed for
first session.

XI. And it is further ordered, that the first writs for the election of members of the said Council, shall issue at some period to be determined by the President, not later than twelve calendar months after the first day of October, 1848.

Proceedings
upon dissolu-
tion.

XII. And it is further ordered, that upon any dissolution or other determination of the said Council, it shall be lawful for the President of the Council of the said islands to issue writs for the election of the elective members to serve in the Legislative Council, and after the return of such writs it shall be lawful for the President, in the name and on behalf of Her Majesty, to nominate and appoint the non-elective members to serve in the Legislative Council, which appointment shall be valid and effectual until the same shall be disallowed by Her Majesty, or until new appointments made by warrant or warrants to be issued under Her Majesty's sign manual, and countersigned by one of her principal Secretaries of State, which new appointment shall be taken as a disallowance of the appointments made by the said President, in respect of which they are made, and in case any such appointment, by the President shall be simply disallowed by Her Majesty, the President shall make a new appointment, subject as aforesaid to be disallowed by Her Majesty, and every such appointment, disallowance, and new appointment shall take effect from the time of the notification thereof by the said President in the Government Gazette of the said islands.

Meaning of
word President.

XIII. And it is further ordered, that the word "President" as

employed in this order shall be understood to be the person for the time being, lawfully administering the Government of the said Turks and Caicos Islands and their dependencies.

And the Right Honourable Earl Grey, one of Her Majesty's principal Secretaries of State, is to give the necessary directions herein accordingly.

No. 2.
Order in
Council,
1848.

No. 3.—The Charter grants the President and Council of these islands power to make and ordain laws. See Charter in extenso, *ante*, Part I. No. 4.

No. 3.

No. 4.—47 Geo. 3, ch. 1. *An Act for consolidating the several Acts for regulating Elections, and the qualification of Members of the Legislative Council of these islands, and for other purposes therein mentioned.* (Dec. 22nd, 1806.)

No. 4.
Act 47 G. 3,
c. 1.

WHEREAS, it is expedient that the qualification of members to serve in the Legislative Council of these islands, should be properly defined; and also, that a certain manner of proceeding upon, and determining elections should be established; May it, &c.

PREAMBLE.

I. II. III. Are no longer in force.*

IV. That no person or persons whatever, except native British subjects, or foreigners duly naturalized, have any right to vote at the election of any member or members to serve in the Legislative Council.†

British Sub-
jects or natu-
ralized Fo-
reigners alone
entitled to vote.

V. That the rectors of the several parishes within these islands shall be allowed to vote in the respective parish in which their benefices are, at all elections of members to serve in the Legislative Council, without taking any oath, anything in this Act to the contrary, notwithstanding.

Right of Rec-
tors to vote.

VI. No longer in force.*

VII. That no person whatever, shall influence, or attempt to influence, or by force or threatening expressions, overawe or compel any elector to dispose of, or give his vote, or to withhold or refuse to give his vote, upon penalty of forfeiting one hundred pounds.‡

Penalty for
using improper
influence.

VIII. That no elector claiming a right to vote shall presume to ask for, receive, or take any money or other reward by way of gift, loan, or other device, nor agree to contract for any money, gift, office, employment or other reward whatsoever, to give his vote, or to forbear or refuse to give his vote; neither shall any person by himself or persons employed by him, by any reward, promise, or agreement, security of any gift or reward, corrupt or procure any person to vote, or forbear voting, upon penalty of forfeiting one hundred pounds; and the provost marshal or other officer holding any election shall (if thereto required), by any candidate or elector, tender to every elector the following oath, before he admits his

Penalty on and
regulations to
prevent bri-
bery.

* Sects. 1, 2, and 6 refer to the former qualification of electors. Sect. 3 is repealed by Ord. 1, 1858.

† See Ord. 1, 1858, sect. 7, *post*, No. 11, this Part.

‡ All sums in this Act are at the rate of old Bahama currency. £100 is equivalent to \$250, or £52 1s. 8d. stg.

No. 4.
Act 47 G. 8,
c. 1.

vote, which oath he is hereby empowered to administer: "I, A. B., do solemnly swear upon the Holy Evangelists of Almighty God, that I have not received, had, or been promised for myself, or any other person in trust for me, or for my use or benefit, directly or indirectly, any sum or sums of money, office, place or employment, gift or reward, or security for the same, as a consideration for giving my vote at the election, SO HELP ME GOD;" and the provost marshal or other officer neglecting or refusing to administer the aforesaid oath, if thereto required, shall forfeit, for every such default, fifty pounds.

Electors protected from arrest under civil process for 48 hours before and after an election.

IX. That no writ, execution, or civil process whatsoever, shall issue to arrest the body of any person being qualified to vote at any election of members to serve in the Legislative Council, for at least forty-eight hours before the same shall commence, and for the like space of time after the close of the poll for such election; and every agent, attorney or solicitor, moving, prosecuting, or issuing any such writ, execution, or process; and every officer executing the same shall, for every such offence, forfeit to him, that will sue therefor, the sum of twenty pounds; and if it shall appear that any plaintiff hath actually issued out such process, to the intent of hindering any person (qualified to vote) from being present at any such election, as aforesaid, or that such process has been issued by any judge or other magistrate, or executed by any officer, with the like intent and design, all persons so offending, shall be liable to the following penalties, to wit: every such plaintiff shall forfeit and pay double the value of his or her debt or demand, the judge or magistrate, fifty pounds, and the officer executing the said process, twenty pounds, all which fines and forfeitures, shall be recovered and applied as hereinafter directed.

Description of persons who may be elected Members of Assembly.

X. That no person shall be capable of being elected, or of serving as a member of the Legislative Council, unless being a white male inhabitant of the Protestant religion,* of twenty-one years of age, or upwards, and who shall have been in these islands twelve calendar months.

Qualification necessary for members.

XI. That no person who shall be elected a member of the Legislative Council of the said islands, for any island, district, or place within the same, shall sit or vote as a member of the said Council, who shall not have an estate, real and personal, or personal property only, for his own life, or for some greater estate, either in law or equity, to, and for his own use and benefit, over and above what will satisfy and clear all judgments and mortgages that may affect the same, of the value of one thousand pounds.†

State Oath to be taken by members.

XII. That every person duly qualified as before mentioned, who shall be returned as a member to serve in the Legislative Council of these islands, shall take and subscribe the oath of allegiance,‡ abjuration, and supremacy, before he shall be admitted to a seat as a member of the said Council; and any such person refusing to take and subscribe such oath, shall be deemed incapable

* The restriction as to colour, is entirely abrogated by 4 Wm. 4, ch. 1, and 5 Wm. 4, ch. 9: and by Act of Parliament 10 Geo. 4, ch. 7, all civil disabilities attaching to Roman Catholics are removed.

† 8 Vic. ch. 11, post, No. 10.

‡ By Stat. 21 & 22 Vic. c. 48, the oath of allegiance alone is necessary to be taken.

of serving as a member of the Legislative Council of these islands, for, and during the continuance of such Councils.*

XIII. That every person who shall be elected to serve as a member of the Council of these islands, shall, before he presume to vote in the said Council, or sit there, during any debate in the said Council, at the table in the middle of the said Council, and whilst the Council is there duly sitting, with the President in the chair of the said Council, take and subscribe the following oath: "I, A. B., do swear, that I truly and bonâ fide have such an estate in law or equity, of such value to and for my own use and benefit, over and above what will satisfy and clear all judgments and mortgages that may effect the same, as doth qualify me to sit and vote as a member of the Legislative Council, for any island, district, or place within the same, according to the tenor and true meaning of the Act of the General Assembly, entitled, 'An Act for consolidating the several Acts, for regulating elections and the qualification of members of the General Assembly of these islands, and of electors, and for ascertaining and describing the limits and bounds of the several islands and districts within this Government, which send representatives to the General Assembly, and for other purposes therein mentioned,' SO HELP ME GOD;" and the President and any three members of the said Council are hereby empowered and required to administer the said oath, and take the said subscription, according to the direction of this Act, as occasion shall be from time to time, to every person duly elected, and demanding the same, immediately after such person shall have taken the oath of allegiance,† supremacy, and abjuration, at the said table; and the said oath and subscription, hereinbefore directed to be taken and made, shall be entered in a parchment roll, to be provided for that purpose, by the clerk of the Council, and shall be carefully kept by him.

XIV. That if any person offering himself as a candidate at any election of members to serve in the Legislative Council of these islands, shall by bribes, promises, threats, or other undue means, attempt to influence or contract for the vote of any elector, or shall introduce liquors, meats, or other entertainments, either before or during the continuance of the poll; or shall by himself, or persons employed by him, disturb or hinder any to make free election, every such candidate so offending shall be incapacitated from serving as a member of the Legislative Council, for which such election shall be held during the sitting and continuance thereof.

XV. This clause having reference to the property qualification of voters, is not in force.

XVI. That when any new Council shall at any time hereafter be summoned or called, there shall be forty days between the teste and return of the writs of election; and that, as well upon the summoning or calling of any new Council, as also in case of any vacancy in the present, or any future Council, the secretary of the colony shall deliver or transmit every such writ of election, with as much expedition as the same may be done, to the proper officer to whom execution of the same shall appertain.

* Roman Catholic members take the oath prescribed by Act of Parliament, 10 Geo. 4, ch. 7.

† By Stat. 21 & 22 Vic. c. 48, the oath of allegiance alone is necessary to be taken.

No. 4.
Act 47 G. 3,
c. 1.

Qualification
Oath.

Penalty on
candidates
treating, &c.

Regulations as
to the testing;
transmission
of Writs of
Election.

No. 4.
Act 47 G. 3,
c. 1.

Public notice
to be given of
issuing of
writs.

Mode of pro-
ceeding at
elections.

XVII. That whenever any writ of election shall be issued from the Secretary's Office of these islands, the Secretary, or person issuing the same, shall forthwith give public notice thereof, in some newspaper of these islands: or if there should be no such paper, by advertisement or otherwise in the most public manner; and also of the time such writ was delivered, or sent to any person or persons to be executed.

XVIII. That when the provost marshal, or other person legally authorized, shall have received the precept or writ for holding election for a member or members to serve in the Legislative Council, for any island or district within this Government, he shall, as soon as may be, cause to be affixed in the most public place thereof, a notification of the time when, and place where, such election shall begin and be holden; if at the Turks Islands, at least six days, and if in any of the out-islands, at least twelve days previous to the holding of the same; and upon the day appointed for holding such election, shall between the hours of eight in the morning and two in the afternoon, (during all which time the poll shall be open) fairly, without partiality, take the votes of the different electors, and administer the several oaths enjoined by this Act; and upon the final close of the poll, shall sum up the number of the votes, and declare what candidate has the majority, and shall annex the poll list and other proceedings of such election to the back of the precept or writ, whereon he shall make return of the person or candidate having the majority of votes; and if a copy of the poll shall be demanded by any candidate, or two or more electors, he shall forthwith give the same to him or them, who shall pay him all reasonable charges therefor; and in case of refusal or neglect of the said Provost Marshal, or other officer, to do and perform the several matters and things in this clause enjoined, he shall forfeit for every such neglect or refusal, the sum of one hundred pounds.

Writs for out-
Island elec-
tions may be
directed to
Justices of the
Peace.

XIX. That every writ of election, hereafter to issue, for a member or members to serve in the Legislative Council for any island or district other than the districts of the Turks Islands, may be directed to a Justice of the Peace resident in the island or district where such election is to be held; or if there should be no justice there resident, the same may be directed to any other Justice of the Peace; and the said Justice is hereby fully authorized, empowered, and required, to hold such election, and execute such writ, agreeably to the directions of this Act.

Duty of Jus-
tices defined.

XX. That every Justice of the Peace, to whom any writ of election shall be directed as aforesaid, shall, upon receipt thereof, endorse upon such writ the day he received the same, and by whom such writs shall have been delivered; and after the closing of the poll, shall also endorse on such writ the name or names of the person or persons who shall appear to have been chosen by a majority of legal votes, and shall take and subscribe an oath to the following effect, to wit:—"I, A. B., do solemnly swear, that the person or persons (as the case may be) whose name or names is or are endorsed on the writ of election for a member or members to serve in the Legislative Council for the island or district of appear to me to have the greatest number of votes; and that I have executed the said writ agreeably to law, according to the best of my judgment, SO HELP ME GOD;" which oath any Justice or

Justices of the Peace, or any three electors present at such election, are hereby authorized to administer; and the writ so executed together with the oath so taken and poll annexed thereto, shall be forthwith transmitted to the office of the Secretary of these islands.

No. 4.
Act 47 G. 3,
c. 1.

XXI. to XXV. These clauses which authorized the holding of scrutinies, and regulated the mode of proceeding thereat, are repealed by 18th sec. 8 Vic. ch. 29.

Clauses 21 to 25 repealed.

XXVI. That the Provost Marshal, or other returning officer, shall, on the close of any poll, upon request, and at the cost and charges of any candidate, or any three electors on his behalf, grant a certified copy of the original writ and poll upon oath, which any magistrate, or any three electors present, are hereby authorized to administer, together with his return thereon, and all proceedings had under any such writ; which certified copy, upon being produced to the Council, shall, in the event of the loss of the original writ and proceedings, be of equal validity to all intents and purposes, with the original writ and proceedings, anything herein contained to the contrary notwithstanding.

Candidates on demand entitled to a certified copy of Writ and Poll; in the event of the loss of the original, certified copy to be of equal validity.

XXVII. Provost Marshal, or other returning officer, sued for, or by reason of any matter or thing by him or them performed in pursuance of this Act, may plead the general issue, and give this Act and the special matter in evidence; and in case of judgment for the defendant, discontinuance, or nonsuit, defendant entitled to treble costs.

Returning officer, if sued, may plead general issue, &c.

XXVIII. This clause, which regulated the allowance to returning officers, is repealed by Ord. 1, 1858, sec. 18.

XXIX. That if any magistrate within these islands, to whom any writ or precept for holding any election for a member or members to serve in the Legislative Council for any island in which such magistrate is resident, shall refuse to receive or execute the same, he shall forfeit and pay the sum of two hundred pounds.

Penalty on Magistrates refusing to receive or execute writs directed to them.

XXX. That the Secretary of the Colony, for the time being, shall, from time to time, enter, or cause to be entered, in a book for that purpose to be kept in his office, every single and double return of any member or members to serve in the Legislative Council, which shall be returned or come into his office or to his hands; and also every alteration and amendment which shall afterwards lawfully be made in every such return; to which book all persons shall have free access, at all reasonable times, to search and take true copies of so much thereof as shall be desired, paying a reasonable fee or reward for the same.

Secretary of the Colony to record returns in his office.

XXXI. That all writs for the election of members to serve in the Legislative Council, together with the return or returns of the same, shall be produced and brought by the Secretary of the Colony, or by some person by him thereunto appointed in the Council, upon the first day on which the same shall meet after the return of such writ or writs, at or before the hour appointed for the sitting of the Council.

Writs and Returns to be laid before the Council on the day of its first meeting after such returns received.

XXXII. That all writs of election for members to serve in the Legislative Council may lawfully be executed, as well upon the day appointed for the return of the same as upon any earlier day, notice of such election having been first given; and that every such writ or return may lawfully be received by the Secretary, and entered in his book of returns at any time afterwards.

Writs may be executed on the day appointed for their return.

No. 4.
Act 47 G. 3,
c. 1.

How writs may
issue to fill
during a recess
of the House
vacancies oc-
casioned by
the death of
members.

Mode of pro-
ceeding in case
of inability by
sickness or
otherwise of a
Returning Offi-
cer to execute
writ directed to
him.

Rights of Legis-
lative Council
saved.

Fines and pe-
nalties, how re-
covered and
applied.

All former
election laws
suspended.

XXXIII. Not applicable to these islands.

XXXIV. That it shall and may be lawful for the President, during the recess of the Council for more than twenty days, whether by prorogation or adjournment from time to time, and whenever he shall receive notice of a death of a member of Council, forthwith to direct the Secretary of these islands to make out a writ for the election of a member of the Council in the room of the deceased member; and all and every writ and writs, which shall be made out during the recess of Council as aforesaid, shall be directed and delivered to, and shall be executed by the Provost Marshal, or other person legally authorized, in the same manner as writs of election issued during the sitting of the Council, and according to the directions of this Act.

XXXV. And whereas, it may happen that the magistrate to whom any writ of election may be directed, may, from sickness and other causes, be unable to execute the same, whereby the intent of this Act may be frustrated; Be it, &c., that in case of the absence, sickness, or inability of the said magistrate to execute the said writ, any other magistrate, to whom the writ shall be tendered by any three electors, may, and he is hereby fully authorized, empowered, and required, under the penalty of two hundred pounds, to hold such election and execute such writ in manner prescribed by this Act; and his return shall be as valid, to all intents and purposes, as if the said writ had been directed to the said magistrate.

XXXVI. That nothing in this Act contained shall be understood to invalidate or interfere with the right and privilege of the Legislative Council of these islands, of hearing, examining, and finally adjudging, both the qualifications of electors and the rights of the persons elected.

XXXVII. That all penalties in this Act mentioned shall be recovered in the Supreme Court of these islands by action of debt, or by bill of information, wherein no essoign or more than one imparlance shall be allowed; one moiety whereof shall be to the use of our Sovereign Lord the King, his heirs and successors, for and towards the support of the Government of these islands, and the other moiety thereof shall be to the use of the informer, or him, her, or them, who shall sue for the same: Provided, nevertheless, That all actions for the recovery of any such fines, forfeitures, and penalties shall be commenced within Six Calendar Months after the default or neglect for which such fines, forfeitures, and penalties were imposed, and not afterwards.

XXXVIII. XXXIX. XL. Not applicable to these islands.

XLI. That all former Acts of the General Assembly, relating to or concerning the election of Members of Council, or to the qualification of electors, candidates, or members, be, from and after the passing of this Act, suspended; and all and every such Act and Acts, and every matter and clause therein contained, are hereby suspended accordingly for and during the continuance of this Act.

No. 5.—50 Geo. 3, ch. 6. *An Act for preventing any irregular proceedings of the deputies of the Provost Marshal, in the execution and returns of writs of elections.* (Nov. 3rd, 1809.)

No. 5.
Act 50 G. 3,
c. 6.

THAT every deputy of the Provost Marshal, to whom any writ of election may be delivered for execution, after the passing of this Act, shall, upon receipt thereof, indorse upon such writ the day he received the same, and the name of the person by whom such writ was delivered, and after the closing of the poll, shall certify, on the back of the said writ, what person or persons shall appear to have been chosen by a majority of legal votes, and shall also take and subscribe an oath, to the following effect, to wit: "I, A. B., do solemnly swear that the person or persons (as the case may be) whose name or names (as the case may be) is, or are endorsed on the writ of election for a member or members to serve in the Legislative Council for the island or district of _____, appear to me to have the greatest number of votes, and that I have executed the said writ agreeably to law, according to the best of my judgment;" which oath any Justice or Justices of the Peace, or any three electors present at such election is or are hereby authorized to administer; and the writ so executed, together with the oath so taken and subscribed, and the poll annexed thereto, shall be forthwith transmitted to the office of the Secretary of these islands to be filed.

Mode of proceeding to be observed by deputies of the Provost Marshal in the execution of writs of election defined.

No. 6.—2 Geo. 4, ch. 35. *An Act for continuing for a limited time the General Assembly of these Islands after the death or demise of the King.* (Jan. 23rd, 1822.)

No. 6.
Act 2 G. 4,
c. 35.

WHEREAS, it is expedient to provide against the inconveniences which may arise and be felt in these islands from the immediate dissolution of the Legislative Council by the death or demise of the King; Be it, &c., that this present Council or any other Council existing at the time of the death or demise of His present Majesty (whom God preserve) or of any of his heirs or successors, or at the time such death or demise shall be made known, by authority within these islands, shall not determine or be dissolved by the death of His present Majesty or of any of his heirs or successors; but such Council shall, and is hereby enacted to continue, and is hereby empowered, if convened and sitting at the time of such death or demise, or the notification thereof, to proceed to act, notwithstanding such death or demise, for and during the time and term of Six Calendar Months next after such death or demise and no longer, unless the same shall be sooner prorogued or dissolved by legal authority; and if such Council shall be then under prorogation, it shall and may be lawful for the President, or person exercising the functions of President, further to prorogue or to call or convene the said Council in the usual manner; and the

PREAMBLE.

Demise of the Crown not to put an end to a Legislative Council until the expiration of six months from such demise.

No. 6.
Act 2 G. 4,
c. 35.

Saving of the
rights of the
Crown to dis-
solve, &c.

Laws passing
after demise
of the Crown,
but before the
same may be
known in the
Colony, to be
valid.

Council so called shall meet and sit on and upon the day unto which it shall be prorogued or called and convened, or continue to act for the residue of the said time or term, unless sooner prorogued or dissolved: Provided always, that nothing in this Act extend or be construed to extend to alter or abridge the power of the King, his heirs or successors, or the President or person exercising the functions of President of these islands for the time being, to convene, prorogue, or dissolve the Council of these islands.

II. That all laws made and passed, or to be made and passed, after the demise of any King, and before such demise shall have been made known in these islands are, and shall be taken and admitted to be in full force and effect, the demise of the then late King to the contrary notwithstanding.

No. 7.
Act 4 W. 4,
c. 3.

Election of
Members of
Council accept-
ing offices of
profit void.

No. 7.—4 Wm. 4, ch. 3. *An Act to declare the election of any Member of Assembly to be void, who shall accept an office or place of profit under the Crown.* (12th Nov. 1833.)

WHEREAS, in order to set at rest all doubts as to the right that any member of the Council has to a seat in the same, who after his election has accepted an office or place of profit under the Crown; Be it, &c., that if any person, being chosen a member of the Council, shall accept any office or place of profit from the Crown, during such time as he shall continue a member, his election shall and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting office was naturally dead: Provided, nevertheless, That such person shall be capable of being again elected, as if his place had not become void, as aforesaid.

No. 8.
Act 3 Vic.
c. 39.

PREAMBLE.

Salt Cay made
a polling place.

No. 8.—3 Victoria, ch. 39. *An Act to provide for the better taking the Poll, at any future election, for a Member or Members to represent the Turks Islands, in the Legislative Council of these Islands.* (20th February, 1840.)

WHEREAS, the poll for the election of members to represent the Turks Islands, in the Council of these islands, has, heretofore, been held solely at Grand Cay, one of the said Turks Islands; And whereas, the inhabitants of Salt Cay, the other of the said Turks Island, find it, on all occasions, highly inconvenient, and, on some occasions, utterly impossible to attend at Grand Cay, for the purpose of polling their votes; for remedy thereof, May it, &c., that at every future election for a member or members to represent the Turks Islands, in the General Assembly of these islands, the poll shall be taken as well at Salt Cay as at Grand Cay, and for that purpose it shall be lawful for the returning Officer at Grand Cay to appoint a fit and proper person, being one of Her Majesty's Justices of the Peace, to act as his deputy, in taking the poll at Salt Cay.

II. That the poll shall be opened at both of the said cays, at the same day, and shall continue open during the time prescribed by law; and upon the closing of the said polls, the numbers shall be cast up, but no declaration shall be made as to the member or members elect, until the original poll taken at Salt Cay, or a certified copy thereof, shall have been delivered to the returning officer at Grand Cay, when such returning officer shall, at a time and place to be appointed by him for that purpose, publicly proclaim the names of the different candidates, and the total number of votes polled for each, and then further proceed, as is directed by the eighteenth section of the Consolidated Election Law.

III. Repealed by 8 Vic. ch. 29, sec. 18, Bah. Act, April, 1845.

IV. Repealed by Ord. 1, 1858, sec. 18, *post*, No. 11.

No. 8.
Act 3 Vic.
c. 39.

Polls to be opened at Grand and Salt Cay on the same day.

47 Geo. 3, c. 1.

No. 9.—7 Victoria, ch. 9. *An Act to explain an Act entitled "An Act to declare the election of any Member of Council to be void who shall accept an office or place of profit under the Crown."* (9th January, 1844.)

No. 9.
Act 7 Vic.
c. 9.

WHEREAS, in and by an Act of the General Assembly of these islands, passed in the fourth year of the reign of King William the Fourth, entitled "An Act to declare the election of any Member of Council to be void who shall accept an office or place of profit under the Crown," it is enacted, That if any person being chosen a member of the Legislative Council shall accept any office or place of profit from the Crown during such time as he shall continue a member, his election shall be and is hereby declared to be void, and a new writ shall issue for a new election, as if such person so accepting office was naturally dead: Provided, nevertheless, that such person shall be capable of being again elected as if his place had not become void as aforesaid: And whereas, doubts sometimes arise as to the description of offices which come within the intent and meaning of the said Act, and it is expedient that such doubts should be removed, May it, &c., That the offices in the Schedule to this Act named, and none other, shall be construed to come within the intent and meaning of the said recited Act.

II. That if any member of Council shall at the time of being elected a member of Council, hold any one or more of the said offices, any subsequent acceptance by him of any other of such offices, whether in substitution of or in addition to the office or offices held by him at the time of his election, such subsequent acceptance shall not be considered, deemed, or taken as an acceptance of office within the intent and meaning of the said recited Act, but such member shall continue to sit and vote as a member of such Council, his subsequent acceptance of office to the contrary notwithstanding.

PREAMBLE.

Reciting that doubts exist as to description of offices which come within the meaning of the 4th W. 4, c. 3, and enacts that the officers named in the schedule to this Act, and none other, shall be held to be within the meaning of the said Act.

The acceptance of an office by a member of Council already holding office not to vacate his seat.

SCHEDULE.

Judge of the Supreme Court, Clerk of the Crown, Receiver of Colonial Duties, Physician of the Poor's House, Physician of the Gaol, Cashier of the Public Bank, Health Officer, Superintendent of the Poor's House, Coroner, Provost Marshal in charge of the

Schedule of Enumeration.

E

No. 9.
Act 7 Vic.
c. 9.

Prisona, Licensed Pilots, Harbour Master, Lighthouse Keeper, Quarter and Muster Master of Militia, Police Magistrate, Stipendiary Justice, Public Secretary, Receiver General and Treasurer, Provost Marshal, Clerks in Police Offices, Clerk in the Office of Clerk to the Council, Keeper of the Powder Magazine, Searcher, Warehouse Keeper, Preventive officer, Adjutant of Militia, Post Master.

No. 10.
Act 8 Vic.
c. 11.

No. 10.—8 Vic. ch. 11. *An Act to explain and amend the Act of Assembly, 47 Geo. 3, ch. 1. (28th February, 1845.)*

PREAMBLE.

Recites requisite qualification of members under 47 Geo. 3, ch. 1.

That it is essential that members should continue to possess during their continuance as members the same qualification in right of which they took their seats.

Enacts that members at the commencement of every Session shall deliver to the Clerk a statement of their respective qualifications.

WHEREAS, in and by an Act of the General Assembly of these Islands, entitled "An Act for consolidating the several Acts for regulating elections, and the qualifications of members of the Legislative Council of these Islands, and for ascertaining and describing the limits and bounds of the several islands and districts within this Government which send representatives to the Council, and for other purposes therein mentioned," it is enacted that no person who shall be elected a member of the Council of the said islands, for any island, district, or place within the same, shall sit or vote as a member of the said Council who shall not have an estate real and personal, or personal property only, for his own life, or for some greater estate either in law or equity, to and for his own use and benefit, over and above what will satisfy and clear all judgments and mortgages that may effect the same, of the value of one thousand pounds, of the then currency of the said islands, or who shall not be proprietor of fifty acres of land under cultivation within these islands free from all legal incumbrances: And whereas, the said qualifications, or either of them, may be possessed by a member of the said Council at the period of his election, and at the time of taking and subscribing the oath of qualification as required by the said Act, and the same may be subsequently lost, and yet such member might continue to sit and vote therein, notwithstanding such loss of qualification: And whereas, it is essential to the proper observance and fulfilment of the said enactments, and the due preservation and maintenance, purity, credit, and lawful authority, and the constitutional rights and privileges of the said Council, that the persons elected to be members thereof should possess one of the prescribed qualifications as well during the whole period that they shall retain their seats therein as at the first assumption of the same, May it, &c., That every member of the said Council, at the commencement of every session of this, or any future Council before any other business shall be entered upon, or in case of members who may not be present at the opening or commencement of any such session, or who may be elected members thereof during the continuance of such session, on the first day of every such member's attendance, before such member shall take his seat, shall deliver to the Chief Clerk of the said Council, a statement in writing, setting forth the nature of the qualification under which he is entitled to sit and vote in the said Council, and if such qualification consist in the whole or in part of real estate, a description of such estate and where situate, together with a decla-

ration thereto subjoined, and subscribed by the member making the same, in the presence of the said clerk, that the ready money value of such real or personal estate, or of both combined, as the case may be, is, or are to the date of such declaration, sufficient to qualify such member to sit and vote in the said Council, according to the tenor and true meaning of the law in this respect, over and above the amounts of all judgments and mortgages affecting the same, and the said statements and declarations shall be filed by the said clerk, and be open to the inspection of the members of the said Council during the sittings thereof.

No. 10.
Act 8 Vic.
c. 11.

II. That if the qualification of any member shall be at any time questioned by any other member, or by any three or more electors of the island, district, or place represented by such member by petition to the said Council, he may be required to show by the proofs hereinafter mentioned, to a select committee of five members of the said Council appointed for that purpose at the commencement of every session, the sufficiency of such qualification, and if such members shall fail to establish the same to the satisfaction of the said Council, or if in case of personal estate forming any part of such qualification, it shall be found that there is standing against such member in any Court of Record within these islands, one or more unsatisfied judgment or judgments, and the same shall not be liquidated and cancelled within ten days after notice shall have been given to this effect to such member, he shall be deemed disqualified, and his seat shall be declared vacated. Provided, however, that no member shall be liable to have his qualification questioned, or be required to prove the sufficiency thereof more than once in the same session, except in case of the bankruptcy or insolvency of such member, when upon proof of the fact of such bankruptcy or insolvency, of which the adjudication of the proper Court shall be deemed sufficient evidence, the seat of such member shall be declared vacated.

Mode of proceeding when qualification is questioned.

III. That the value of real estate of any kind shall be the present market value of such estate in money, certified by the signature of two local magistrates, or of one magistrate and three freeholders of the island, settlement, or district in which, or nearest to which, the same may be situated, corroborated by the certificate of the Surveyor-General of lands—and shall afford the requisite qualification, after deducting from such certified value all and singular the judgments, mortgages, or other legal incumbrances, if any, affecting the said estate—and that the value of personal estate may be proved by the production of any lawful securities for money held in the name of, or payable to, or for the use of, the person producing the same, or by the renewal of the oath of qualification in the Council, and that the qualification of fifty acres of land under cultivation shall be understood to mean that the entire quantity is cultivated in the production of some marketable agricultural produce or edible provisions, which fact shall be certified as hereinafter required in reference to the value of real estate.

Mode of ascertaining value of estate and property of members of Council.

IV. That upon, and from and after, the dissolution or termination of the present General Assembly, so much of the eleventh section of the hereinbefore recited Act as relates to the qualification for a member of the Council of "Fifty Acres of land under cultivation within these islands, free from all legal incumbrances," shall be and remain repealed.

The qualification for 50 acres of land under 47 Geo. 3, ch. 1, is repealed.

No. 11.
Ord. No. 1,
1858.

No. 11.—ORDINANCE No. 1, 1858.

An Ordinance for regulating the Registration of Persons entitled to vote at the Election of Members to serve in the Council of the Turks and Caicos Islands; and for otherwise amending the Election Laws of the Colony. (Passed March 18th, 1858. Confirmed August 10th, 1858.)

PREAMBLE.

In October in every year lists of Voters to be made out.

WHEREAS it is expedient to form a register of all persons entitled to vote in the election of a member or members to serve in any future Council of these islands; May it, &c.

I. That in the month of October in each and every year, alphabetical lists according to the form in the Schedule to this Ordinance annexed, shall be made out in each election district of the colony, of persons entitled to vote in every such district at the election of a member or members to serve in the Council of these islands; and every such list when so completed, shall be signed by the person making the same, who shall cause three copies to be made and to be fixed up in some public and conspicuous situation within the district, or portion of the district, for which any such list is made, for fourteen days next after the last day of October; during which said fourteen days it shall be lawful for any person qualified to vote at any such election to object to any person whose name shall appear in such list; and upon notice of such objection being given within the time aforesaid to the party by whom such list was made, he shall forthwith write against the name of the person objected to the words "Objected to by A. B." And it shall be also the duty of the person by whom any such list is made out as aforesaid, if he shall have reasonable cause to believe that any person whose name is inserted in such list is not entitled to vote at the election of a member for the district for which the list is made out, to write the words "Objected to" against the name of every such person. And if any person shall wilfully deface, obliterate, destroy, or remove any list put up under the authority of this Ordinance, he or they shall, upon conviction before any two of Her Majesty's Justices of the Peace, be committed to any lawful prison within these islands, there to be kept to hard labour for a term not exceeding seven days.

Lists to be completed as soon as may be after 14th November.

II. That it shall be the duty of the persons by whom such lists are made out as aforesaid, to return and deliver the same as soon as may be after the fourteenth day of November in each and every year, to the persons hereinafter respectively authorized to have the custody of the same.

Custody of Lists.

III. That the Provost Marshal of the Colony shall have the custody of the lists for Grand Cay. And it shall be lawful for the President or other Officer administering the Government, to appoint at each of the other election districts of the colony, some person being a resident Justice of the Peace of the district, to have custody of the lists of the election districts in which he is so resident; and if no Justice of the Peace be so resident, to appoint some other fit person for the purpose.

Lists to be revised.

IV. That the lists so made out as aforesaid, shall be revised at Grand Turk by the Police Magistrate, and two other Justices of

the Peace, and at the several other election districts of the colony, by two Justices of the Peace to be annually nominated for that purpose by the President or other Officer administering the Government of the Colony; and such Justices shall hold their meetings for such revisions as soon as practicable after the fifteenth day of November in each year, and shall have power to adjourn their sittings from time to time from any one place to any other place within the same election district; which sittings shall remain open for at least three successive days, for the purpose not only of deciding on objections but for receiving and deciding on claims; and it shall be the duty of such revising Officers to add to such list the name of every person on whose behalf a claim shall be made to be inserted therein, and whose right as a voter shall be established to their satisfaction. Provided always that every such revision shall be concluded before the thirty-first day of December in each year.

No. 11.
Ord. No. 1,
1858.

V. And whereas the only persons legally qualified to vote at an election of members of Council are taxpayers of the age of twenty-one years who can read and write; and it is expedient that the words "read" and "write" should be defined and their meaning rendered certain; Be it therefore ordained, that no person shall be considered to be able to read and write so as to be qualified to vote as aforesaid, unless he be able to read readily a sentence taken casually from this or some other Ordinance of this colony, and to reduce the same into writing in a legible manner.

Qualification of
Voters.

VI. And whereas doubts have arisen as to the length of residence in any district of the Colony required to give any taxpayer a vote for such district; Be it ordained, that it shall be necessary for every person claiming to vote at any election within these islands, to have been resident within the district for which he so claims to vote, for at least six months immediately preceding such election. Provided that nothing hereinbefore contained shall be construed to prevent any such person from voting on account of a temporary absence from the usual place of abode of such voter.

Same.

VII. That no person except native British Subjects or Foreigners duly naturalized, shall be qualified to vote at any election within these islands. Provided however, that this restriction shall not be held to apply to persons of African birth who have resided seven years within the Colony.

Same.

VIII. That whenever such lists shall be revised as aforesaid, they shall be returned to the custody of the person authorized as aforesaid to retain the revised copy thereof.

To whom re-
vised lists to
be returned.

IX. That on receipt of every revised list or lists as aforesaid, or when any such list or lists shall not require revision, on receipt of the original list or lists, the officer in whose custody the same is deposited as aforesaid, shall forthwith cause the same to be fairly and truly copied into a book to be provided for that purpose at the public expense; and every such book shall be deemed the register of the electors to vote at the choice of a member or members to serve in the Council for the district to which such register shall relate at any election which may take place during the year next succeeding the year in which such lists shall have been made out and revised or made out without revision, as the case may be.

Copies to be
made.

X. That the persons having respectively the custody of such registers shall permit any person being an inhabitant of these

Any inhabitant
may inspect
lists.

No. 11.
Ord. No. 1,
1858.

Lists to be
lodged with
Provost Mar-
shal.

By whom
original lists to
be made out for
present year.

islands to inspect such registers, as also the original lists from which such registers are formed, at all convenient hours and without fee, and also furnish copies thereof to any person requiring the same upon being paid therefor at the rate of sixpence per folio for every folio of ninety words. And it shall be the duty of each of the persons to whom the custody of such lists shall be committed, to transmit a certified copy of every revised registration list of voters which in virtue of this Ordinance shall in future be lodged with him, to the Provost Marshal of the colony within one month from the receipt thereof by such person after the same shall have been revised.

XI. That the said lists shall for the present year be made out as soon as possible after this Ordinance shall come into operation by persons to be appointed for that purpose by the President or Officer administering the Government of the Colony. And it shall be the duty of every such person to place upon the list for the district for which he is acting, the name of every person whom he has reasonable cause to believe, after diligent inquiry for that purpose made, is entitled to vote at the election of a member or members to serve for such district in the Council of these islands. And such lists when made up shall be made public in manner hereinbefore directed for the period of fourteen days, and shall then be delivered to the person appointed to have the custody of such lists. And it shall be the duty of the persons hereinbefore appointed to revise the lists of voters, to revise the lists for this present year without delay, giving public notice of the time and place of such revision, and three days shall be allowed during which any objections made to any person whose name shall appear on any such list shall be heard and determined, after which the revised lists shall be returned to the party appointed to keep the same, and each revised list shall be copied into a book to be provided for that purpose, and shall be deemed to be a register of persons qualified to vote at any election for members of Council of these islands which may be held during the present year.

By whom lists
to be made out
in succeeding
years.

XII. That the lists for each year succeeding the present year, shall be made out by the Chief Constable of the district or other fit and proper person to be appointed by the President or Officer administering the Government for the time being: And it shall be the duty of every such constable or other person to place upon such list the names of all persons whose names appear on the register then in force, and who are then living, and also the names of all other persons who shall make claim to have their names inserted in any such list.

None but the
votes of regis-
tered voters
allowed.

No scrutiny
allowed.
Provido,

XIII. That it shall not be lawful for the returning officer at any election of a member or members to serve in any future Council, to receive the vote of any person or persons whose name shall not be on the register in force at the time of such election for the district for which such election is held; nor shall any scrutiny be held after any such election: Provided always, that every person whose name shall have been omitted from any register of voters in consequence of the decision of the Justices revising the list or lists from which such register shall have been formed, or who having claimed to have his name placed on such list, such name shall have been omitted by the person making out such list, may tender his vote at any election at which such register shall be

in force, stating at the time the name or names of the candidate or candidates for whom he tenders such vote, and the returning officer shall forthwith make a memorandum on the back of the poll list of every vote so tendered.

XIV. That upon petition to the Council complaining of an undue election or return of any member or members to serve in the said Council, any petitioner, or any person defending such election or return, shall be at liberty to impeach the correctness of the register of voters in force at the time of such election, by proving that the name of any person who voted at such election was improperly inserted or returned in such register, or the name of any person who tendered his vote at such election improperly omitted from such register; and the Council or any committee appointed to investigate into the allegations of any such petition shall alter the poll taken at such election according to the truth of the case; and the return shall be amended, or the election declared void, as the case may be; and the register corrected accordingly, or such other order shall be made as to the Council shall seem proper.

XV. That it shall be lawful for the President or Officer administering the Government of the colony for the time being, by and with the advice and consent of Her Majesty's Executive Council, whenever and as often as it shall appear expedient so to do, to divide any election district into two or more divisions for polling. Provided always, that whenever any district is so divided, public notice of such division shall be forthwith given in one or more of the public newspapers of the colony; and provided also that when any polling division has been created as aforesaid, it shall for ever thereafter remain as a polling division of the district to which it belongs.

XVI. That every election to be held for a member or members to serve in any future Council for any district divided under the provisions of this Ordinance, the officer to whom the writ of election is directed, shall appoint a fit and proper person as deputy for each division of his district other than the division for which such officer shall intend himself to hold the polls; and polls shall be opened at each division as aforesaid on the same day, and shall continue open during the time prescribed by law; and upon the closing of such polls the number shall be summed up, but no declaration made until the several poll lists shall have been delivered to the officer to whom the writ for holding the election is directed, when such officer shall, at a time and place to be appointed by him for that purpose, publicly proclaim the names of the different candidates and the total number of voters polled for each; and shall then annex the poll list and other proceedings of such election to the precept or writ whenever he shall make return of the candidate or candidates having the majority of votes.

XVII. That for preparing the annual List of Voters the person drawing up the same shall be entitled to receive from the public Treasury, a sum at and after the rate of Ninepence per folio of ninety words; and for recording the revised lists the party to whom the custody of such lists is committed, shall be entitled to receive at the rate of Sixpence per folio, and the same for copies furnished to the Provost Marshal under this Ordinance. Provided always, that every demand for remuneration for such services shall be accompanied by the certificate of the Provost Marshal that the

No. 11.
Ord. No. 1,
1858.

Correctness of Register may be impeached on Petition to the Council.

President and Executive Council to appoint Polling places.

Deputies appointed to take Polls for Elections.

Remuneration for making Lists.

No. 11.
Ord. No. 1,
1858.

Remuneration
for holding
Elections.

charge made against the public is correct; and all such sums of money shall be paid out of the public Treasury, by warrant in the usual manner.

XVIII. That the Provost Marshal or his lawful deputy, (to whom all writs of election for members of Council at Grand Turk shall be directed,) and every justice of the peace or deputy Provost Marshal, executing a writ of election at any other island, shall be entitled to have and receive out of the public Treasury, by warrant in the usual manner, for executing every such writ and making a due return thereto, the sum of Three pounds and no more; and the person taking the poll in any division, or subdivision, or district, shall be entitled to receive out of the public Treasury in like manner the sum of Two pounds for his trouble in taking such poll.

Laws repealed.

XIX. That the several Acts of the Bahama Legislature for regulating the registration of voters, known as the 8th Vic. ch. 29; and the 9th Vic. ch. 11, shall be and they are hereby repealed, save and except so far as they or either of them repeal any part of the laws formerly in force relating to elections.

SCHEDULE.

Turks and Caicos Islands.

LIST of Persons entitled to Vote at the Election of Members of Council for during the Year 18 .

NO.	NAMES.	PLACE OF ABODE.
1	A. B.	Grand Turk.
2	C. D.	Salt Cay.
3	E. F.	Caicos.

No. 12.
Ord. No. 3,
1858.

No. 12.—ORDINANCE No. 3, 1858.

An Ordinance to re-apportion the Elective Members of the Legislative Council of these islands. (Passed 9th June, 1858. Confirmed 6th December, 1858.)

PREAMBLE.

WHEREAS by an Order of Her Majesty in Council dated at Osborne House, in the Isle of Wight, the eleventh day of August one thousand eight hundred and forty-eight, made in pursuance of authority in that respect granted to Her Majesty, by virtue of an Act of the Bahama Legislature, 11 Vic. ch. 1, known as the Turks Island Separation Act, of the four members to be elected, and to compose the one half of the Legislative Council of these islands, it was amongst other things ordered: that two of the said members were to be elected by the taxpayers of the Turks Islands who were able to read and write, and two were to be elected by the taxpayers of the Caicos Islands who were able to read and write.

And whereas it is just and expedient that there should be a re-apportionment of the said elective members more in accordance with the relative number of population and property to be represented in each of the districts aforesaid; May it, &c.

I. That subject to the provisions of the said Order in Council in all other respects, it shall and may be lawful for the taxpayers of the Turks Islands, who are able to read and write, to elect and send three members to represent them in the Legislative Council of these islands; and it shall and may be lawful for the taxpayers of the Caicos Islands, who are able to read and write, to elect and send one member to represent them in the said Legislative Council, anything contained in the aforesaid Order in Council to the contrary notwithstanding.

II. That the provisions of this Ordinance shall not come into operation until Her Majesty's assent and confirmation shall have been proclaimed within these islands.

No. 12.
Ord. No. 3,
1858.

Taxpayers of
Turks Islands
to return three
members.

Taxpayers of
the Caicos
Islands to re-
turn one mem-
ber.

No. 13.—ORDINANCE No. 1, 1859.

An Ordinance to preserve Order during the sittings of the Legislative Council for the said islands. (Passed 30th August, 1859. Confirmed 26th January, 1860.)

No. 13.
Ord. No. 1,
1859.

WHEREAS it is indispensably necessary that the President of the Legislative Council of these islands should be duly enabled and empowered to preserve order during the sittings of the said Council, and as at present the said President hath no legal authority or power by means of which such order can be enforced and maintained; May it, &c.

PREAMBLE.

I. That during the sitting of the Legislative Council, any member, adjudged by the President of the Council to be out of order, may be called to order by the said President, and if any member of Council, after having been called to order as aforesaid, shall persist in being disorderly, he shall be liable for the first offence to a fine of Five pounds, and to a further fine of Ten pounds for every subsequent offence committed during the same meeting of Council.

Penalty for
disorderly con-
duct in Council.

II. That every and all such fine and fines shall be forthwith made and levied on the goods and chattels of the offender by the Provost Marshal of these islands, for the time being, on receipt of a warrant or warrants under the hand and seal of the said President of the Council, and every and all such fine and fines when recovered shall be appropriated and applied to and for the use of Her Majesty, her heirs and successors, towards the support of the Government of these islands.

Fines, how
levied.

III. That by the term "President" in this Ordinance shall be understood to mean the President or Officer administering the Government for the time being, and by the term "Provost Marshal" shall be understood to mean the Provost Marshal or other person acting as such.

CLASS III.

LAWS REMOVING CIVIL DISABILITIES.

No. 1.
Act 10 G.4,
c. 11.

Statute 10 Geo.
4, c. 7, declared
to be in force in
the Colony.

No. 1.—10 Geo. 4, ch. 11. *An Act to declare in force, within these islands, a certain Statute of the United Kingdom of Great Britain and Ireland, made and passed in the tenth year of the reign of His present Majesty, entitled "An Act for the relief of His Majesty's Roman Catholic subjects."* (January 11th, 1830.)

No. 2.
Act 4 W. 4,
c. 1.

No. 2.—4 Wm. 4, ch. 1. *An Act to relieve His Majesty's Free, Coloured, and Black Subjects of the Bahama Islands, from all Civil Disabilities.* (September 27th, 1833.)

Preamble, re-
citing 2 Geo. 4,
c. 37.

4 Geo. 4, c. 2.

10 Geo. 4, c. 10.

Free-born,
coloured, or
black persons
admitted to the
same privilege
as white per-
sons.

Manumitted
Negroes, after
having been
two years free,
to be entitled
to same right
as free-born
persons.

WHEREAS, An Act made and passed in the second year of the reign of His late Majesty, George the Fourth, entitled, "An Act to extend certain privileges of persons of free condition within these islands," and An Act made and passed in the fourth year of the reign of His said late Majesty, entitled, "An Act for granting a further extension of privileges, to certain free persons of colour, in certain cases," and An Act made and passed in the tenth year of the reign of His said late Majesty, entitled, "An Act to amend an Act, entitled, An Act for consolidating the several Acts for regulating elections, and the qualifications of Members of the General Assembly of these islands, and of electors; and for ascertaining and describing the limits and bounds of the several islands and districts within this Government, which send representatives to the General Assembly, and for other purposes therein mentioned," do not sufficiently remove the disabilities to which His Majesty's free, coloured, and black subjects, are subjected within these islands; And whereas, it is highly necessary and expedient that all such disabilities should be removed, Be it, &c., That from and after the passing of this Act, all coloured and black persons born, or to be hereafter born, in a state of freedom, being British born subjects, or foreigners duly naturalized, (natives of Africa, or of any of the islands contiguous thereto, alone excepted,) shall and may be adjudged and taken, and are hereby declared to be entitled within these islands, to have and enjoy all the rights, privileges, and immunities whatsoever, to which they would have been entitled if born of, and descended from, white ancestors.

II. That all coloured and black persons born, or who shall hereafter be born in any island, colony, dominion, fort, settlement, factory or territory, belonging to, or in the possession of, His Majesty, and foreigners duly naturalized, (natives of Africa, or of the islands contiguous thereto, alone excepted,) and who were or shall be at the time of their birth in a state of slavery, but who now are, or hereafter shall be, lawfully manumitted by or on behalf of their owners, by deed, will, or otherwise, or by judgment of the General Court, or sentence, order, or decree, in the Court of Vice Admiralty of these islands, shall and may (after having actually and *bonâ fide* enjoyed a state of freedom for the space of two years)

be adjudged and taken to be free-born, and entitled within these islands to all the rights, privileges, immunities, and advantages granted by this Act to free-born, coloured, and black persons: Provided always, that nothing in this clause contained shall be held to deprive manumitted persons who, at the time of the passing of this Act, shall not have actually and *bond fide* enjoyed a state of freedom for two years, as aforesaid, of any rights or privileges which they at present enjoy, or to lessen the same in any degree whatsoever; but that every such manumitted person, as aforesaid, shall, from and after the passing of this Act, and every slave hereafter to be manumitted, as aforesaid, immediately upon his or her manumission, become, and be held and considered, competent to give evidence in any of the Courts of civil or criminal jurisdiction within these islands, and to enjoy all and every the rights and privileges used and enjoyed by manumitted persons, previous to the passing of this Act.

No. 2.
Act 4 W. 4,
c. 1.

Proviso.

III. That nothing in this Act contained, shall be held to disqualify any free person whatsoever from giving testimony in any of the Courts of Civil or Criminal Jurisdiction within these islands, but that all such free persons shall, from and after the passing of this Act, be held and considered competent to give evidence in every such Court, as aforesaid, against any person or persons whomsoever: Provided also, nevertheless, that no native of Africa shall be considered or be held competent to give evidence in any of the Courts aforesaid, until he or she shall have been resident within these islands for the space of six years, unless he or she shall produce, before the Prothonotary of the General Court, a certificate from the clergyman of the parish, in which he or she may be resident, or, in the absence of such clergyman, from any Justice of the Peace, that he or she is fully qualified to give such testimony, and that he or she perfectly understands the nature and obligation of an oath; which certificate shall be recorded in a book to be kept, by the Prothonotary for the purpose.*

All free persons entitled to give evidence in Courts of Law.

Proviso relative to Natives of Africa.

IV. That the said hereinbefore recited Act of the tenth of George the Fourth, and every clause, matter, and thing therein contained, and also all other Acts and clauses of Acts in any way repugnant to this Act be, and the same is, and are hereby repealed and made null and void to all intents and purposes whatsoever, anything in the said Acts or clauses of Acts contained, to the contrary notwithstanding.

Repeals 10 Geo. 4, c. 10, and all other Acts repugnant to this Act.

No. 3.—5 Wm. 4, ch. 9. *An Act to amend an Act of the General Assembly of these islands, entitled, "An Act to relieve His Majesty's Free, Coloured, and Black Subjects, of the Bahama Islands, from all Civil Disabilities."* (October 6th, 1834.)

No. 3.
Act 5 W. 4,
c. 9.

WHEREAS, in and by an Act of the General Assembly of these islands, made and passed in the fourth year of your Majesty's reign, entitled, "An Act to relieve His Majesty's free, coloured, and black subjects of the Bahama Islands from all civil disabilities," all the rights, privileges, and immunities to your

Preamble, reciting 4 W. 4, c. 1.

* This proviso is virtually repealed by the 2nd sec. 5 Wm. 4, ch. 9, *post*, No. 3.

No. 3.
Act 5 W. 4,
c. 9.

Persons of African birth or descent, with exception of captured Africans, subject to no disability to which Europeans are not also subject. Proviso relative to apprenticed labourers.

All natives of Africa competent witnesses in Courts of Law, &c.

Majesty's white subjects belonging, or by them enjoyed, are extended to coloured and black persons of free condition, with certain exceptions, and under certain restrictions, and it is expedient that the said Act should be amended; May it, &c., That from and after the passing of this Act (with the exception alone of Africans belonging to any of the negro races captured from slave vessels, and brought into these islands by any of your Majesty's vessels of war, who may not have resided within the Government seven years) persons of African birth or descent, shall be subject to no disability to which persons of European birth or descent are not also subject, anything in the aforesaid Act of Assembly to the contrary notwithstanding: Provided, however, that the same doth, and shall not extend to interfere in any way whatever with the restrictions imposed by an Act of Assembly of the said fourth year of your Majesty's reign, chapter twenty-one, upon those black and coloured persons recently manumitted, and now held as apprenticed labourers, by virtue of the Act of Parliament for the abolition of slavery, to which the said Act of Assembly is auxiliary, during the term of apprenticeship of any such persons.

II. That from and after the passing of this Act, all persons being natives of Africa, or of any of the islands contiguous thereto, shall, and are hereby declared to be competent witnesses, in all prosecutions, trials, and legal proceedings, civil and criminal, in all Courts of law and equity within these islands, subject, nevertheless, to the same rules of evidence as other persons are, or may be, anything in the hereinbefore recited Act, or in any other Act of the General Assembly of these islands, to the contrary, notwithstanding.

CLASS IV.

NATURALIZATION OF ALIENS.

No. 1.
Act 11 Vic.
c. 4.

PREAMBLE.

Reciting Act of Parliament 10 & 11 Vic. c. 83.

Aliens to become naturalized upon obtaining certificates and using certain prescribed oaths.

No. 1.—11 Vic. ch. 4. *An Act for facilitating the Naturalization of Aliens.* (March 22nd, 1848.)

WHEREAS, in and by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the tenth and eleventh years of your Majesty's reign, entitled "An Act for the Naturalization of Aliens," it is amongst other things enacted and declared, that all laws, statutes, and ordinances, which shall thereafter be made and enacted, by the Legislatures of any of Her Majesty's colonies or possessions abroad, for imparting to any person or persons, the privileges, or any of the privileges of naturalization, to be by any such person or persons, exercised and enjoyed within the limits of any such colonies or possessions respectively, shall within such limits have the force and authority of law, any law, statute, or usage to the contrary notwithstanding. And whereas, it is expedient that the powers by the said Act of Parliament vested in Colonial Legislatures should be exercised by the Legislature of this colony, and that an Act should be passed for the purpose of affording greater facility for the Naturalization of Aliens than now by law exists; May it, &c., that upon obtaining the certificate and taking

the oath hereinafter proscribed, every alien now residing in, or who shall hereafter come to reside in any part of this colony, shall enjoy within the colony all the rights and capacities which a natural-born subject of the United Kingdom can enjoy, or transmit within the said colony.

II. That it shall be lawful for any such alien as aforesaid, to present to the President in Council a memorial stating the age, profession, trade, or other occupation of the memorialist, and the duration of his residence in the colony, and all other the grounds on which he seeks to obtain the rights and capacities of a natural-born British subject, and praying the said President to grant to the memorialist the certificate hereinafter mentioned.

III. That every such memorial shall be considered by the President in Council, who shall inquire into the circumstances of each case, and receive all such evidence as shall be afforded by affidavit or otherwise, as such President with the advice of the Council, may deem necessary, or proper for proving the truth of the allegations contained in such memorial, and that the said President, with the advice of the said Council, if he shall so think fit, may upon the memorialist taking the oath hereinafter proscribed, issue a certificate under the great seal of the colony, reciting such of the contents of the memorial as he shall consider to be true and material, as also the fact that the memorialist had taken and subscribed the oath by this Act required to be taken, and subscribed, and granting to the memorialist all the rights and capacities of a natural-born subject within the colony.

IV. That before any certificate as aforesaid shall be granted, the memorialist to whom rights and capacities are intended to be granted by such certificate, shall take and subscribe the following oath, (that is to say,) "I, A. B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty, Queen Victoria, and will defend her to the utmost of my power against all conspiracies and attempts whatever which may be made against her person, crown, or dignity; and I will do my utmost endeavour to disclose, and make known to Her Majesty, her heirs and successors, all treasons, and traitorous conspiracies which may be formed against her or them; and I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the crown, which succession by an Act entitled, 'An Act for the further limitation of the Crown, and better securing the rights and privileges of the subject,' is and stands limited to the Princess Sophia, Electress of Hanover, and the heirs of her body being Protestants, hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm. SO HELP ME GOD;" which oath shall be taken and subscribed by such memorialist, and shall be duly administered to him or her before the Clerk of the Council for these islands, if such oath shall be taken and subscribed in the Island of Grand Turk, or before any one of Her Majesty's Justices of the Peace for these islands, or for any district thereof, if such oath shall be taken and subscribed at any other island of this Government; and in the latter case the Justice of the Peace administering the oath shall grant to the person taking and subscribing it, a certificate of his or her having taken and subscribed such oath accordingly.

No. 1.
Act 11 Vic.
c. 4.

To obtain certificate must present a memorial to President in Council.

Memorial to be considered by President in Council, and President empowered, with advice of the Council, to grant certificate under the great seal of the Colony.

Oath to be taken by Aliens desirous of being naturalized.

No. 1.
Act 11 Vic.
c. 4.

Fees on natu-
ralization to be
regulated and
paid into the
Treasury.

V. That all certificates granted under this Act shall be recorded in the office of the Public Secretary and Registrar of Records for the colony.

VI. That the fees payable in respect of the several proceedings hereby authorized shall be fixed and regulated by the Governor in Council, and shall be paid into the Public Treasury of these islands in aid of the expenses of the Government thereof.

CLASS V.

FRIENDLY SOCIETIES.

No. 1.
Act 5 W. 4,
c. 10.

Friendly So-
cieties autho-
rized.

Requisites to
form rules.

Rules to be
submitted to
the Queen's
Advocate.

Power in re-
spect to Rules.

No. 1.—5 Wm. 4, ch. 40. *An Act for the protection and encouragement of Friendly Societies, and for preventing fraud and abuses therein.* (May 11th, 1835.)

WHEREAS, the altered relation of society in this colony has rendered it expedient that encouragement should be given to persons desirous of forming themselves into one or more societies, for their mutual relief and advantage; May it, &c., That it shall and may be lawful for any number of persons to form themselves into a society for their mutual relief; to raise funds for that purpose; to make, alter, and amend rules for the government and guidance of the same, and to inflict fines and penalties upon members of such society, who shall or may offend against such rules.

II. That all such societies in their rules, before they be confirmed, as hereinafter directed and required, shall declare all and every the intents and purposes, for which such society is intended to be established, and direct all the uses and purposes to which the money subscribed shall be applied; and in what proportions, and under what circumstances, any member or other person shall become entitled thereto, and that the money so subscribed shall not be diverted or misapplied by the treasurer or other person intrusted therewith, under such penalty as the society shall, by any rule, impose.

III. That a transcript of all such rules, signed by three members and countersigned by the secretary, shall be submitted with all convenient speed, after every meeting altering or amending thereof, to the Queen's Advocate of the colony, for the purpose of ascertaining whether the said rules are in conformity to law, and the provisions of this Act; and that the said Queen's Advocate shall give a certificate thereof, or point out in what parts they are repugnant thereto; and that such transcript, when certified as hereinbefore required, shall be deposited with the Clerk of the Crown, to remain in his office as a record; and that such transcript shall be enrolled by the said Clerk of the Crown, and a certificate thereof to be signed by him on a duplicate copy, which shall be provided by and returned to such society.

IV. That the said Queen's Advocate may withhold his sanction or allowance to any proposed rules, unless it shall appear to him that the tables tendered may be adopted with safety to all parties concerned.

V. That no society shall have the benefit of this Act unless their rules and regulations are entered in a book, kept by an officer appointed for that purpose, and a transcript thereof deposited with the Clerk of the Crown; and all rules when entered and confirmed as aforesaid shall be binding on members and contributors, and their representatives; and the entry of such rules in such book, or the transcript deposited with such Clerk of the Crown, or a true copy of such transcript, certified as aforesaid, shall be received as evidence of such rules in all cases.

No. 1.
Act 5 W. 4,
c. 10.

Regulations
relative to entry
of Rules, &c.

VI. That no confirmed rules shall be altered or rescinded, but at a general meeting of the society, convened in pursuance of a requisition for that purpose by seven or more members; and that such alteration or rescission shall be made only with the approbation of three-fourths of the members present at such general meeting.

How confirmed
Rules can alone
be altered.

VII. That the rules to be adopted by any such society shall specify the place of meeting, and the duty of the officers and members at large.

What shall be
specified in
Rules.

VIII. That any such society, at their usual meetings, or by their committee, may appoint a president, treasurer, or trustee, or such other officers as may be necessary to carry into execution the purposes of such society, for such periods and purposes as shall be established by the rules; and that every officer in any way connected with the receipt, management, or expenditure of the society's funds, shall give security, by a bond, in a sum prescribed by such committee, for the faithful execution of such trust, to be given to the Clerk of the Crown, without any fee; and in case of forfeiture, it shall and may be lawful for the Queen's Advocate to sue upon such bond, for the use of such society.

Appointment of
Officers.

IX. That it shall and may be lawful for such societies to elect a committee of any number of members, and may delegate to such committee any powers given by this Act, being first declared in and by the rules confirmed by the Queen's Advocate, and filed in the manner before directed; and when a committee shall be appointed for any particular purpose, the power delegated to be entered into a book by the secretary; and the transactions of such committee shall also be entered in a book, and be at all times subject to the review and control of the society, in such manner as their rules shall direct.

Election of
Committees,
and powers
delegated to
them.

X. That the treasurer, or trustee, shall lay out such sums of money as are not needed for immediate expenditure, either in real or heritable securities, or heritable property, or invest the same in the public funds of the colony, or in Government securities; and that all interest and proceeds arising therefrom shall be brought to account by such treasurer or trustee, and applied to the use of the society.

Funds may be
invested at
interest.

XI. That all persons intrusted with the disposal, management, or custody of the funds of any such society, shall render an account, and pay over all moneys remaining in his or their hands, and transfer and deliver over all securities, books, and papers in their custody, on demand being made, or notice in writing given at his or their usual place of abode, to such person as the society shall appoint; and in case of neglect or refusal, application may be made to the Judge of the Supreme Court of these islands, who shall proceed thereupon, in a summary way, and make such order as may seem

Persons in-
trusted with
funds, to ren-
der accounts
when required.

No. 1.
Act 5 W. 4,
c. 10.

Power of the
Court in
certain cases.

Executors, &c.,
to deliver up
all moneys, &c.,
of any such
Society, &c.

Actions, how
brought and
defended.

Liability of
Officers of the
Society.

Regulations as
to payment of
sums due to
deceased
members.

Same.

Proceeding in
the case of
persons frau-
dently ob-
taining moneys
belonging to a
Society.

just, which order shall be final and conclusive; and all transfers, sales, or dispositions, made in pursuance of such order, shall be good and effectual.

XII. That when any trustee or treasurer is out of the jurisdiction of the Court, become idiot, lunatic, or imbecile, or it be uncertain whether they are alive, or they be absent, or refuse to convey, transfer, or deliver any such securities, the Judge of the Supreme Court of these islands is hereby empowered to appoint a person to make such conveyance, transfer, or disposition.

XIII. That the executors, administrators, assigns, or the representatives of any person, in whose custody were any moneys, effects, or securities of such society, shall, within forty days after demand made, deliver over all such effects, moneys, or securities, and pay all sums of money due to the said society, before any other debts are paid or satisfied.

XIV. That the effects of any such society shall be vested in the treasurer or trustees, for the time being, who may bring and defend actions in Courts of Law or Equity, within these islands; and that no action shall be discontinued or abated by the death or removal of such treasurer or trustee, in the proper name of the person commencing the same.

XV. That the treasurer, trustee, or other officer of any such society, shall not be liable to make good any deficiency in the funds of the society, unless he or they have declared, in writing, his or their willingness to be so answerable; and may limit his or their responsibility to such sum as shall be specified in such writing; but all officers are hereby declared to be personally responsible for moneys actually received by them.

XVI. That whenever the trustees of any such society shall have paid, after the decease of a member, any sum of money to any person who shall appear to be entitled to the same, such payment shall be valid and effectual, with respect to any demand of any other person as next of kin, or lawful representative of such deceased member, as against the society; but such next of kin or representative shall have their remedy for such money against the person who may have received the same.

XVII. That in case any member of any such society shall die intestate, entitled to any sum not exceeding thirty pounds, the treasurer or trustees of such society are hereby authorized to pay the same according to the rules of the society; and if there are no rules in that behalf, to pay and divide the same to and among the person or persons entitled to the effects of the deceased intestate, without letters of administration being taken out.

XVIII. That if any person shall, by false representation, fraudulently obtain possession of any moneys belonging to any such society, or fraudulently withhold the same, such offence not being provided for by the rules of such society, such person shall, and may be summoned, upon complaint on oath by an officer of such society, before any two of His Majesty's Justices of the Peace; who are hereby authorized to hear and determine upon the same, and upon any due proof of such fraud, to convict the party, and award double the amount of the money so obtained, or withheld to the treasurer, together with costs; and in case of non-payment of money so awarded, the Justices shall cause the same to be levied by distress and sale, together with the costs attending such distress;

and in default of such distress being found, it shall and may be lawful to commit such person to the gaol or House of Correction, to be kept to hard labour for any period not exceeding six months, at the discretion of such Justices: Provided, that nothing herein contained shall be construed to prevent any such society from proceeding against such offender, by way of indictment, instead thereof.

No. 1.
Act 5 W. 4,
c. 40.

XIX. That any such society shall not be dissolved by any general meeting or otherwise, without the consent of five-sixths, in value, of the members belonging thereto; to be ascertained as hereinafter mentioned; and of all persons then receiving or entitled to receive relief from such society, to be testified under their hands; and for the purpose of ascertaining the votes of such five-sixths, every member shall be entitled to one vote, and an additional vote for every five years he has been a member; but not to have more than five votes: and that in all cases of dissolution, the intended appropriation of the stock of such society shall be distinctly stated in the proposed plan of dissolution, prior to such consent being given; and that no such society shall direct, by any rule, the division or distribution of such fund, otherwise than to carry into effect the general purposes of such society; and all the rules for the dissolution of any such society, without such consent as aforesaid, shall be void; and that in the event of such division or mis-appropriation, the trustee, or other officer aiding or abetting therein, shall be liable to the penalty before provided in cases of fraud.

Societies, how
dissolved.

XX. That all such societies shall make rules, specifying whether matters in dispute between the society and a member are to be referred to a Justice of the Peace, or to arbitrators; and if to the latter, they shall be elected at the first meeting of the society after the enrolment of its rules, none of them being interested in the funds of the society; and a certain number, not less than three, shall be chosen by ballot in each case of dispute; and any Justice of the Peace is hereby empowered to enforce compliance with the decision of such arbitrators, by the usual method.

Disputes, how
to be settled.

XXI. That if the rules of any such society shall direct such disputes to be decided by Justices of the Peace, any Justice is hereby empowered to summon the person against whom complaint is made, and hear and determine the said complaint according to such rules; and in case any sum of money be awarded, the payment thereof shall and may be enforced as before directed.

Power of Jus-
tices of the
Peace.

XXII. That any sentence, order, or decree of any Justice or Justices under this Act shall be final and conclusive.

Their order to
be final.

XXIII. That the whole or any part of the funds of any such society may be subscribed into any savings' bank, now or to be hereafter established, or invested in the public securities of the Colony.

Funds may be
invested.

XXIV. That it shall and may be lawful for minors to become members of such societies, and have authority to act and become legally responsible: Provided, that such minor be admitted into such society with the consent of his parents or guardians, or of some Justice of the Peace.

Minors may be
members.

XXV. That the rules of every such society shall provide for the making of an annual statement of the funds to the members, to be attested by two auditors, and countersigned by the secretary; and that every member of such society shall receive a copy of such statement, on the payment of a sum not exceeding sixpence.*

Annual state-
ment of funds
to be made.

* Currency. See note *ante*, p. 41.

No. 1.
Act 5 W. 4,
c. 40.

Construction
of the words
"Society's
Rules."

XXVI. That the word "Society" in this Act shall be understood to include all societies or associations of persons who may conform strictly to the provisions of the same; and that the word "Rules" shall be understood to include orders and regulations, and so forth.

No. 2.
Act 10 Vic.
c. 29.

No. 2.—10 Vic. ch. 29. *An Act to amend an Act of the General Assembly of the Bahama Islands relating to Friendly Societies.*
(25th March, 1847.)

PREAMBLE.

WHEREAS, it is expedient that the purposes for which a society may be established under the provisions of the Act of the General Assembly of the Bahama Islands, passed in the fifth year of the reign of His late Majesty, entitled, "An Act for the protection and encouragement of Friendly Societies, and for preventing Fraud and Abuses therein," should be better defined, and that the said Act should in other respects be amended; May it, &c., That societies may be established under the provisions of the aforesaid Act, for any of the following purposes (that is to say):—

Purposes of
Friendly So-
cieties defined.

1st. For the relief, maintenance, or endowment of the members, their husbands, wives, children, kindred, or nominees, in infancy, old age, sickness, or widowhood.

2nd. Toward making good any loss sustained by the members by fire, flood, or shipwreck, or by any contingency whereby they shall have sustained any loss or damage of their live or dead stock, or goods, or stock in trade, or of the tools or implements of their trade or calling.

3rd. For the frugal investment of the savings of the members, for better enabling them to purchase food, clothes, or other necessities, or the tools or implements of their trade or calling, or to provide for the education of their children or kindred: Provided always, that the shares in any such investment society shall not be transferable, and that the investment of each member shall accumulate or be employed for the sole benefit of the member investing, or the husband, wife, children, or kindred of such member, and that no part thereof shall be appropriated to the relief, maintenance, or endowment of any other member or person whomsoever, and that the full amount of the balance due, according to the rules of such society, to such member shall be paid to him or her, on withdrawing from the society.

4th. For any other purpose which shall be certified to be legal by Her Majesty the Queen's Advocate for the Colony, and which shall be allowed by the President in Council, as a purpose to which the powers and facilities of the said Act ought to be extended.

Former
Friendly So-
cieties subject
to the provi-
sions of this
Act.

II. That every Friendly Society established before the passing of this Act, under the authority of the hereinbefore recited Act, shall be subject to the provisions of this Act, and the rules of every such society shall, if the same is established in the Island of Grand Turk, within thirty days after the passing of this Act, and if established in any other island of the Government within three months after the passing of this Act, be submitted for approval to the Governor, and it shall be lawful for the Governor to disallow any and every rule of any such society, which may be repugnant to the pro-

visions of this Act; and every rule so disallowed shall, from the period of such disallowance being notified in writing to the society, cease to have any force or validity whatever, any, its previous confirmation to the contrary notwithstanding.

No. 2.
Act 10 Vic.
c. 29.

III. That from and after the passing of this Act all new, altered, or amended rules of any society established, or hereinafter to be established in this colony, under the provisions of the hereinbefore recited Act or of this Act, shall be submitted for approval to the President, and such rules shall have no force or effect whatever until the President's approval thereof shall be signified in writing to such society, anything contained in the hereinbefore recited Act to the contrary notwithstanding.

Rules to be submitted for approval to the Governor.

IV. That any member of a Friendly Society, the rules of which do not prescribe the time when or the conditions on which members shall be allowed to withdraw themselves, shall be allowed to withdraw himself or herself at any time from such society, on giving written notice to the secretary or other proper officer of the society, of his or her intention to do so, and on payment of all arrears due by such member; but after giving such notice as aforesaid, no member shall be entitled to have any benefit from the funds of the society, or be liable to any further subscription or payment other than the amount of the arrears due from him or her at the time of giving such notice.

Provision as to members desirous of withdrawing.

V. That every society established under the authority of the hereinbefore recited Act or of this Act shall transmit or cause to be transmitted quarterly to the office of the Secretary of the colony a return in detail of the assets, disbursements, receipts, and liabilities of such society; all which returns shall be made up to the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year, and shall be transmitted by every society in the Island of Grand Turk direct to the Secretary of the colony within thirty days after the close of the quarter for which such return is made up, and by every society established at an Out Island of the Government to the Stipendiary Magistrate of the district within the like period, to be by such magistrate forwarded to the Secretary of the colony with all convenient despatch.

Periodical returns of assets and disbursements to be made to the Secretary of the Colony by all Friendly Societies.

VI. That the President and Treasurer, or other principal officer intrusted with the management of the funds of such society, shall be the persons who shall be respectively bound to make, or cause to be made, and to transmit to the Secretary's office, or the Stipendiary Magistrate, as the case may be, the said return of assets, disbursements, receipts, and liabilities; and every such person who shall refuse, or wilfully neglect to make or cause to be made, or to send the said returns at the time and in the manner prescribed by this Act, shall be liable to a penalty not exceeding the sum of Five pounds, to be recovered, with costs, before any two Justices of the Peace having jurisdiction where such society shall have its place of meeting; and on non-payment thereof, the same, with the reasonable costs of conviction, shall be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of such Justices.

President and Treasurer to be the officers to transmit returns of assets, &c.

VII. That the Stipendiary Magistrates of the colony shall be official Auditors within their respective districts of the accounts of all societies established under the authority of the before-mentioned

Stipendiary Justices official auditors.

No. 2.
Act 10 Vic.
c. 29.

Act or of this Act, and shall audit all such accounts at least once in every three months, and for such purpose shall have full power and authority to require the officers of such society to produce before them the books of such society and all necessary vouchers and other papers; and every officer of such society who shall refuse or wilfully neglect to produce any book, voucher, or paper required for the purposes aforesaid by any such Stipendiary Magistrate, shall be liable to a penalty not exceeding the sum of five pounds, to be recovered with costs before any two Justices of the Peace having jurisdiction where such society shall have its place of meeting; and on non-payment thereof, the same, with the reasonable costs of conviction, shall be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of such justices.

Funds of
Friendly So-
cieties to be
deposited in
Bank.

VIII. That all moneys received by the Treasurer or other principal officer intrusted with the funds of any such society established in the Island of Grand Turk shall be paid into the Public Bank as the same are received, and the quarterly balances of every society established at any other island shall be paid into the said Bank as soon as practicable after the expiration of each quarter; and such moneys shall only be drawn out of the said Bank by checks signed by the President and Treasurer, or other officer as aforesaid, of such society, and countersigned by the Official Auditor; and any Treasurer or other officer as aforesaid who shall refuse or wilfully neglect to pay the moneys received or remaining in his possession into the said Bank, in conformity with the provisions of this clause, shall forfeit and pay double the amount of the sum or sums of money which such Treasurer or other officer should by right have paid into the said Bank, to be recovered with costs before any two Justices of the Peace having jurisdiction where such society shall have its place of meeting; and on non-payment thereof, the same, with the reasonable costs of conviction, shall be levied by distress and sale of the goods and chattels of the offender or offenders, by warrant under the hand and seal of such Justices, the amount of which forfeiture shall be paid into the Public Bank aforesaid, for the benefit of the society of which such person is an officer.

Appropriation
of fines.

IX. Defines the meaning of the word President.

X. That the net amount of all fines, penalties, and forfeitures incurred under this Act shall, except where otherwise specially directed by this Act, be paid into the Public Treasury of these islands in aid of the expenses of this Government.

Interest allowed
at Bank with-
out reference
to period of
deposit.

XI. That it shall be lawful for the cashier of the said Public Bank, and he is hereby required to credit and allow to every society established under the authority of the said hereinbefore-mentioned Act or of this Act, interest at the rate of four and a half per centum per annum on all moneys paid by any such society into the said Bank for such period as any such moneys may remain deposited in the said Bank, notwithstanding the same may not be deposited for any fixed period; any law, rule, or practice, to the contrary notwithstanding.

CLASS VI.

WILLS AND ESTATES OF DECEASED PERSONS.

- No. 1.—50 Geo. 3, ch. 4. *An Act for regulating the distribution of the goods and effects of Children dying intestate, without Wife or Children, after the death of the Father, and in the lifetime of the Mother of such Children so dying intestate.* (November 3rd, 1809.)
- No. 1.
Act 50 G. 3,
c. 4.

WHEREAS, by the seventh clause of an Act of Parliament, made and passed in the first year of the reign of King James the Second, entitled, "An Act for reviving and continuing several Acts of Parliament therein mentioned," it is enacted that if after the death of a father, any of his children shall die intestate without wife or children in the lifetime of the mother, every brother and sister, and the representatives of them, shall have an equal share with her: And whereas, it is necessary and expedient that the distribution of the effects of children dying intestate should be regulated in the same manner in these His Majesty's Turks and Caicos Islands as in England; May it, &c., that from and after the passing of this Act, if any child or children of a deceased father shall die intestate, without wife or children, in the lifetime of the mother, every brother and sister, and the representatives of them, shall have an equal share with her of the goods, effects, and personal property of the child or children so dying intestate; any law, usage, or custom to the contrary notwithstanding.

PREAMBLE.

Distribution of estates of children regulated in certain cases.

- No. 2.—53 Geo. 3, ch. 6. *An Act for regulating the charges of Executors, Administrators, and Guardians, and for other purposes therein mentioned.* (November 27th, 1812.)
- No. 2.
Act 53 G. 3,
c. 6.

WHEREAS, it has been usual in these islands for executors, administrators, and guardians, to charge a commission of Five pounds per centum, on the amount of all sums received by them in the execution of their trust, as a compensation for their trouble and responsibility; and the same appears reasonable, and it is fit should be established by law; May it, &c., That from and after the passing of this Act, all executors, administrators, and guardians, intrusted with the management of estates belonging to deceased persons, or minors, shall be allowed and entitled to charge for their care and trouble, over and above all actual and necessary expenditures, a commission of Five pounds per centum on the amount of all sums which shall come into their hands, or be collected or received in the execution of their trust; And whereas, from the local situation of these islands, and the difficulty of enforcing payment of debts from persons residing in detached situations, it would frequently tend to the interest of the estate of deceased persons were their representatives authorized to submit accounts and differences to arbitration, and to compound for the same: Be

PREAMBLE.

Executor's charges regulated.

No. 2.
Act 53 G. 3,
c. 6.

Executors may
submit ac-
counts, &c. to
arbitration.

it, &c., That in all cases where it shall appear any executor, administrator, or guardian, as aforesaid, hath, *bonâ fide*, and without collusion or fraud, compounded for, or settled by arbitration, any debt, account, or matter, concerning the trust reposed in him, or concerning the execution thereof, that in every such case such proceedings shall be valid in law, and no executor, administrator, or guardian shall be made chargeable out of his own estate for any actual or supposed loss which may be sustained thereby.

No. 3.
Act 4 Vic.
c. 23.
Declaring
Act of Parl.
1 Vic. c. 26,
in force.

Statute of the
Imperial Par-
liament with
respect to wills
declared in
force.

No. 3.—4 Vic. ch. 23. *An Act to declare in force within these Islands a certain statute of the United Kingdom of Great Britain and Ireland, passed in the First year of the Reign of Her present Majesty, entitled "An Act for the amendment of the Laws with respect to Wills."* (February 25th, 1841.)

THAT from and after the Thirty-first day of May, in the present year of our Lord, One thousand eight hundred and forty-one, the said before-mentioned statute shall be, and the same is hereby declared to be in force within these islands, as fully and effectually, to all intents and purposes, as if the said statute contained a provision expressly extending its enactments to this colony, or as if the said statute had been made and enacted by the Legislative Council of these islands; Provided always, nevertheless, That the said statute shall not extend to any will made within these islands before, or on the said Thirty-first day of May, in the present year of our Lord, One thousand eight hundred and forty-one.

Act of Parliament, 1 Vic. ch. 26, for the amendment of the laws with respect to Wills, declared in force by preceding Act.

Meaning of
certain words
in this Act.

Will.

12 Car. 2, c. 24.

14 & 15 Cap. 2.

Real Estate.

I. That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined, or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Will" shall extend to a testament, and to a codicil, and to an appointment by will, or by writing in the nature of a will, in exercise of a power, and also to a disposition by will and testament, or devise of the custody and tuition of any child, by virtue of an Act passed in the Twelfth year of the reign of King Charles the Second, entitled an Act for taking away the Court of Wards and Liveries, and tenures *in Capite*, and by Knight's service, and purveyance, and for settling a revenue upon His Majesty in lieu thereof; or by virtue of an Act passed in the Parliament of Ireland, in the Fourteenth and Fifteenth years of the reign of King Charles the Second, entitled an Act for taking away the Courts of Wards and Liveries, and tenures *in Capite*, and by Knight's service, and to any other testamentary disposition; and the words "Real Estate" shall extend to manors, advowsons, messuages, lands, tithes, rents, hereditaments, whether freehold,

customary freehold, tenant right, customary, or copyhold, or of any other tenure, and whether corporeal, incorporeal, or personal, and to any undivided share thereof, and to any estate, right, or interest (other than a chattel interest) therein; and the words "Personal Estate" shall extend to leasehold estates and other chattels real, and also to moneys, shares of Government and other funds, securities for money (not being real estates), debts, choses in action, rights, credits, goods, and all other property whatsoever, which by law devolves upon the executor or administrator, and to any share or interest therein; and every word importing the singular number only, shall extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. Repeals Imperial Acts 32 Henry 8, ch. 1, and 34 and 35 Henry 8, ch. 5; also Imperial Acts 10 Car. 1, sess. 2, ch. 2; and also so much of Imperial Act 29 Car. 2, ch. 3, and Imperial Act 7 Wm. 3, ch. 12, as relates to devises or bequests of lands, or tenements, or to the revocation or alteration of any devise in writing, of any lands, tenements, or hereditaments, or any clause thereof, or to the devise of any estate, *per autre vie*, or to any such estate being assets, or to nuncupative wills, or to the repealing, altering, or changing of any will in writing, concerning any goods or chattels, or personal estate, or any clause, devise, or bequest therein; and also so much of Imperial Act 4 and 5 Anne, ch. 16, and Imperial Act 6 Anne, ch. 6, as relates to witnesses to nuncupative wills; and also so much of Imperial Act 14 Geo. 2, ch. 20, as relates to estates, *per autre vie*; and also Imperial Act 25 Geo. 2, ch. 6, except so far as relates to His Majesty's colonies and plantations in America; and also Imperial Act 25 Geo. 2, ch. 11; and also Imperial Act 52 Geo. 3, ch. 152, except so far as the same Acts, or any of them, respectively, relate to any wills or estates, *per autre vie* to which this Act does not extend.

III. That it shall be lawful for every person to devise, bequeath, or dispose of, by his will executed in manner hereinafter required, all real estate and all personal estate which he shall be entitled to, either in law or in equity, at the time of his death, and which, if not so devised, bequeathed, or disposed of, would devolve upon the heir-at-law or customary heir of him, or, if he became entitled by descent of his ancestor, or upon his executor or administrator; and that the power hereby given shall extend to all real estate of the nature of customary freehold, or tenant right, or customary, or copyhold, notwithstanding that the testator may not have surrendered the same to the use of his will, or notwithstanding that, being entitled as heir, devisee, or otherwise, to be admitted thereto, he shall not have been admitted thereto, or notwithstanding that the same, in consequence of the want of a custom to devise or surrender to the use of a will or otherwise, could not at law have been disposed of by will if this Act had not been made, or, notwithstanding, that the same, in consequence of there being a custom that a will or a surrender to the use of a will should continue in force for a limited time only, or any other special custom, could not have been disposed of by will according to the power contained in this Act, if this Act had not been made; and also to estates, *per autre vie*, whether there shall or shall not be any special occupant thereof,

No. 8.
Act 4 Vic.
c. 23.

Declaring
Act of Parl.
1 Vic. c. 26,
in force.

Personal Estate.

Number.

Gender.

Certain Acts
repealed.

All property
may be disposed
of by will.

Estates *per
autre vie*.

No. 3.
Act 4 Vic.
c. 23.
Declaring
Act of Parl.
1 Vic. c. 26,
in force.

Contingent
Interests.
Rights of
Entry, &c.

How persons
to be admitted
where Testa-
tor does not
surrender
estate to the
use of his wife.

Proviso.

Wills or ex-
tracts of Wills
relating to cus-
tomary free-
hold lands to
be entered on
the Court
Rolls.

and whether the same shall be freehold, customary freehold, tenant right, customary, or copyhold, or of any other tenure, and whether the same shall be a corporeal or an incorporeal hereditament; and also to all contingent, executory, or other future interests in any real or personal estate, whether the testator may or may not be ascertained as the person, or one of the persons, in whom the same, respectively, may become vested, and whether he may be entitled thereto under the instrument by which the same, respectively, were created, or under any disposition thereof by deed or will; and also to all rights of entry for conditions broken and other rights of entry; and also to such of the same estates, interests, and rights, respectively, and other real and personal estate as the testator may be entitled to at the time of his death, notwithstanding that he may become entitled to the same subsequently to the execution of his will.

IV. Provided always, and be it further enacted, That where any real estate of the nature of customary freehold, or tenant right, or customary or copyhold, might by the custom of the manor of which the same is holden, have been surrendered to the use of a will, and the testator shall not have surrendered the same to the use of his will, no person entitled, or claiming to be entitled thereto, by virtue of such will, shall be entitled to be admitted, except upon payment of all such stamp duties, fees, and sums of money, as would have been lawfully due and payable in respect of the surrendering of such real estate to the use of the will, or in respect of presenting, registering, or enrolling such surrender, if the same real estate had been surrendered to the use of the will of such testator: Provided also, That where the testator was entitled to have been admitted to such real estate, and might, if he had been admitted thereto, have surrendered the same to the use of his will, and shall not have been admitted thereto, no person entitled, or claiming to be entitled to such real estate in consequence of such will, shall be entitled to be admitted to the same real estate, by virtue thereof, except on payment of all such stamp duties, fees, fine, and sums of money as would have been lawfully due and payable in respect of the admittance of such testator to such real estate, and also of all such stamp duties, fees, and sums of money as would have been lawfully due and payable in respect of surrendering such real estate to the use of the will, or of presenting, registering, or enrolling such surrender, had the testator been duly admitted to such real estate, and afterwards surrendered the same to the use of his will, all which stamp duties, fees, fine, or sums of money due, as aforesaid, shall be paid, in addition to the stamp duties, fees, fine, or sums of money due or payable on the admittance of such person so entitled, or claiming to be entitled, to the same real estate, as aforesaid.

V. That when any real estate of the nature of customary freehold, or tenant right, or customary or copyhold, shall be disposed of by will, the lord of the manor, or reputed manor, of which such real estate is holden, or his steward, or the deputy of such steward, shall cause the will by which such disposition shall be made, or so much thereof as shall contain the disposition of such real estate to be entered on the court rolls of such manor or reputed manor; and when any trusts are declared by the will of such real estate, it shall not be necessary to enter the declaration of such trusts, but it shall be sufficient to state in the entry on the court rolls that such real estate is subject to the trusts declared by such will; and when any

such real estate could not have been disposed of by will if this Act had not been made, the same fines, heriot dues, duties, and services shall be paid and rendered by the devisee as would have been due from the customary heir, in case of the descent of the same real estate, and the lord shall, as against the devisee of such estate, have the same remedy for recovering and enforcing such fine, heriot dues, duties, and services as he is now entitled to, for recovering and enforcing the same from or against the customary heir, in case of a descent.

be entitled to the same Fine, &c. as from the Heir in case of descent.

VI. That if no disposition by will shall be made of any estate, *per autre vie*, of a freehold nature, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of special occupancy, as assets by descent, as in the case of freehold land in fee simple; and in case there shall be no special occupant of any estate, *per autre vie*, whether freehold or customary freehold, tenant right, customary or copyhold, or of any other tenure, and whether a corporeal or incorporeal hereditament, it shall go to the executor or administrator of the party that had the estate thereof by virtue of the grant; and if the same shall come to the executor or administrator, either by reason of a special occupancy, or by virtue of this Act, it shall be assets in his hands, and shall go and be applied and distributed in the same manner as the personal estate of the testator or intestate.

No. 3.
Act 4 Vic.
c. 23.
Declaring
Act of Parl.
1 Vic. c. 26,
in force.

And the Lord to
case of descent.
Relative to
Estates *per
autre vie*.

VII. That no will made by any person under the age of Twenty-one years shall be valid.

by a person under twenty-one years of

No Will made
age valid.

VIII. That no will made by any married woman shall be valid, except such a will as might have been made by a married woman before the passing of this Act.

Wills by mar-
ried women
invalid.

IX. That no will shall be valid unless it shall be in writing and executed in manner hereinafter mentioned, that is to say, it shall be signed at the foot or end thereof by the testator, or by some other person in his presence, and by his direction; and such signature shall be made or acknowledged by the testator, in the presence of two or more witnesses present at the same time, and such witnesses shall attest and shall subscribe the will, in the presence of the testator, but no form of attestation shall be necessary.

How every
Will shall be
executed.

X. That no appointment made by will, in exercise of any power, shall be valid, unless the same be executed in manner hereinbefore required; and every will executed in manner hereinbefore required, shall so far as respects the execution and attestation thereof, be a valid execution of a power of appointment by will, notwithstanding it shall have been expressly required that a will, made in exercise of such power, should be executed with some additional, or other form of execution, or solemnity.

Appointments
by Will to be
executed like
other Wills,
&c.

XI. Provided always, that any soldier being in actual military service, or any mariner or seaman being at sea, may dispose of his personal estate as he might have done before the making of this Act.

Soldiers and
mariners ex-
cepted.

XII. That this Act shall not prejudice or affect any of the provisions contained in an Act passed in the eleventh year of the reign of His Majesty King George the Fourth, and the first year of the reign of His late Majesty King William the Fourth, entitled "An Act to amend and consolidate the Laws relating to the pay of the Royal Navy, respecting the Wills of Petty Officers

Act not to
affect certain
provisions of
11 Geo. 4, and
1 Wm. 4, c. 20,
with respect to
Wills of Petty
Officers, &c.

No. 3.
Act 4 Vic.
c. 23.
Declaring
Act of Parl.
1 Vic. c. 26,
in force.

Will not in-
validated through
incompetence of
witness.

Gifts to an at-
testing witness
void.

Creditor may
be a witness.

Executor may
be a witness.

Will to be re-
voked by
marriage.

In what case
Wills may be
revoked.

No alteration
to have any
effect unless
executed as a
will.

and Seamen in the Royal Navy, and non-commissioned Officers of Marines, and Marines so far as relates to their wages, pay, prize money, bounty money, and allowances, or other moneys payable in respect of services in Her Majesty's Navy."

XIII. That every will, executed in manner hereinbefore required, shall be valid without any other publication thereof.

XIV. That if any person who shall attest the execution of a will, shall at the time of the execution thereof, or at any time afterwards, be incompetent to be admitted a witness to prove the execution thereof, such will shall not on that account be invalid.

XV. That if any person shall attest the execution of any will to whom, or to whose wife, or husband, any beneficial devise, legacy, estate, interest, gift, or appointment, of or affecting any real or personal estate, (other than and except charges and directions for the payment of any debt or debts,) shall be thereby given or made, such devise, legacy, estate, interest, gift, or appointment, shall, so far only as concerns such person attesting the execution of such will, or the wife or husband of such person, or any person claiming under such person, or wife or husband, be utterly null and void; and such person, so attesting, shall be admitted as a witness to prove the execution of such will, or to prove the validity or invalidity thereof, notwithstanding such devise, legacy, estate, interest, gift, or appointment mentioned in such will.

XVI. That in case by any will, any real, or personal estate, shall be charged with any debt or debts, and any creditor, or the wife or husband of any creditor whose debt is so charged, shall attest the execution of such will, such creditor notwithstanding such charge, shall be admitted a witness to prove the execution of such will, or to prove the validity or invalidity thereof.

XVII. That no person shall, on account of his being an executor of a will, be incompetent to be admitted a witness to prove the execution of such will, or a witness to prove the validity or the invalidity thereof.

XVIII. That every will made by a man or woman, shall be revoked by his or her marriage (except a will made in exercise of a power of appointment, when the real or personal estate, thereby appointed, would not, in default of such appointment, pass to his or her heir, customary heir, executor, or administrator, or the person entitled as his or her next of kin, under the Statute of Distributions).

XIX. That no will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

XX. That no will or codicil or any part thereof, shall be revoked otherwise than as aforesaid, or by another will or codicil, executed in manner hereinbefore required, or by some writing declaring an intention to revoke the same, and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing, or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same.

XXI. That no obliteration, interlineation, or other alteration made in any will, after the execution thereof, shall be valid, or have any effect except so far as the words or effect of the will, before

such alteration shall not be apparent, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will; but the will, with such alteration as part thereof, shall be deemed to be duly executed if the signature of the testator, and the subscription of the witnesses be made in the margin, or on some other part of the will, opposite or near to such alteration, or at the foot, or end of, or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will.

XXII. That no will, or codicil, or any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required, and showing an intention to revive the same; and when any will or codicil which shall be partly revoked, and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown.

XXIII. That no conveyance or other Act, made or done subsequently to the execution of a will, of, or relating to, any real or personal estate therein comprised, except an act by which such will shall be revoked, as aforesaid, shall prevent the operation of the will with respect to such estate or interest, in such real or personal estate, as the testator shall have power to dispose of by will, at the time of his death.

XXIV. That every will shall be construed, with reference to the real estate and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention shall appear by the will.

XXV. That unless a contrary intention shall appear by the will, such real estate or interest therein as shall be comprised, or intended to be comprised, in any devise in such will contained, which shall fail or be void by reason of the death of the devisee, in the lifetime of the testator, or by reason of such devise being contrary to law, or otherwise incapable of taking effect, shall be included in the residuary devise (if any) contained in such will.

XXVI. That a devise of the land of the testator, or of the land of the testator in any place, or in the occupation of any person mentioned in his will, or otherwise described in a general manner, and any other general devise which would describe a customary copyhold or leasehold estate, if the testator had no freehold estate which could be described by it, shall be construed to include the customary copyhold and leasehold estates of the testator, or his customary copyhold and leasehold estates, or any of them, to which such description shall extend, as the case may be, as well as freehold estates, unless a contrary intention shall appear by the will.

XXVII. That a general devise of the real estate of the testator, or of the real estate of the testator in any place, or in the occupation of any person mentioned in his will, or otherwise described in a general manner, shall be construed to include any real estate, or any real estate to which such description shall extend (as the case may be), which he may have power to appoint in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will: and, in like manner, a bequest of the personal estate of the testator, or

No. 3.
Act 4 Vic.
c. 23.
Declaring
Act of Parl.
1 Vic. c. 26,
in force.

Will revoked
to be revived
only by re-
execution, &c.

Devise not to
be inoperative
because of
subsequent
conveyance.

Construction
of a Will.

What shall be
included in a
Residuary
Devise.

Construction
of a General
Devise of
Lands.

What a general
Devise or
Bequest shall
include.

No. 3.
Act 4 Vic.
c. 23.
Declaring
Act of Parl.
1 Vic. c. 26,
in force.

Construction
of a Devise
without words
of limitation.

Construction
of the words
"Die without
Issue," or,
"Die without
leaving Issue."

Where Devise
to trustees, &c.
shall not pass
a chattel in-
terest.

Trustees under
an unlimited
Devise to take
the Fee.

Devises of Es-
tates Tail shall
not lapse.

Gifts to chil-
dren or other
issue, who
have issue
living at the
Testator's
death, shall
not lapse.

any bequest of personal property described in a general manner, shall be construed to include any personal estate, or any personal estate to which such description shall extend (as the case may be), which he may have power to appoint, in any manner he may think proper, and shall operate as an execution of such power, unless a contrary intention shall appear by the will.

XXVIII. That where any real estate shall be devised to any person, without any words of limitation, such devise shall be construed to pass the fee simple, or other the whole estate or interest which the testator had power to dispose of, by will, in such real estate, unless a contrary intention shall appear by the will.

XXIX. That in any devise or bequest of real or personal estate, the words "die without issue," or, "die without leaving issue," or, "have no issue," or any other words, which may import either a want or failure of issue of any person in his lifetime, or at the time of his death, or an indefinite failure of his issue, shall be construed to mean a want or failure of issue, in the lifetime, or at the time of the death of such person, and not an indefinite failure of his issue, unless a contrary intention shall appear by the will, by reason of such person having a prior estate tail, or of a preceding gift, being without any implication arising from such words, a limitation of an estate tail to such person, or issue, or otherwise: Provided, that this Act shall not extend to cases where such words as aforesaid, import if no issue described in a preceding gift shall be born, or, if there shall be no issue who shall live to attain the age, or otherwise answer the description required for obtaining a vested estate by a preceding gift to such issue.

XXX. That where any real estate (other than, or not being a presentation to a church) shall be devised to any trustee, or executor, such devise shall be construed to pass the fee simple, or other the whole estate or interest, which the testator had power to dispose of, by will in such real estate, unless a definite term of years, absolute or determinable, or an estate of freehold, shall, thereby, be given to him expressly, or by implication.

XXXI. That where any real estate shall be devised to a trustee, without any express limitation of the estate, to be taken by such trustee, and the beneficial interest in such real estate, or in the surplus rents and profits thereof shall not be given to any person for life, or such beneficial interest shall be given to any person for life, but the purposes of the trust may continue beyond the life of such person, such devise shall be construed to vest in such trustee the fee simple, or other the whole legal estate, which the testator had power to dispose of by will in such real estate, and not an estate determinable when the purposes of the trust shall be satisfied.

XXXII. That where any person, to whom any real estate shall be devised for an estate tail, or an estate *in quasi* entail, shall die in the lifetime of the testator, leaving issue who would be inheritable under such entail, and any such issue shall be living at the time of the death of the testator, such devise shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXXIII. That where any person, being a child, or other issue, of the testator, to whom any real or personal estate shall be devised

or bequeathed for an estate or interest not determinable at, or before, the death of such person, shall die in the lifetime of the testator, leaving issue, and any such issue of such person shall be living at the time of the death of the testator, such devise or bequest shall not lapse, but shall take effect as if the death of such person had happened immediately after the death of the testator, unless a contrary intention shall appear by the will.

XXXIV. That this Act shall not extend to any will made before the first day of January, 1838; and that every will re-executed, or re-published, or revived by any codicil, shall, for the purposes of this Act, be deemed to have been made at the time at which the same shall be so re-executed, re-published, or revived; and that this Act shall not extend to any estate *per autre vie* of any person who shall die before the first day of January, 1838.

No. 3.
Act 4 Vic.
c. 23.
Declaring
Act of Parl.
1 Vic. c. 26,
in force.

Limitation of
Act.

No. 4.—ORDINANCE No. 5 of 1856.

An Ordinance to declare in force within these islands a certain Statute of the United Kingdom of Great Britain and Ireland, passed in the fifteenth and sixteenth years of the reign of Her present Majesty, entitled "An Act for the amendment of an Act passed in the first year of the reign of Her Majesty Queen Victoria, entitled 'An Act for the amendment of the Laws with respect to Wills.'" (Passed 9th July, 1856. Confirmed 11th December, 1856.)

No. 4.
Ord. No. 5,
1856.
Declaring
Act of Parl.
15 & 16 Vic.
c. 24,
in force.

WHEREAS a certain Statute of the United Kingdom of Great Britain and Ireland, passed in the first year of the reign of Her present Majesty, entitled "An Act for the amendment of the Laws with respect to Wills," was extended to these islands by an Act of the General Assembly of the Bahama Islands, of the eleventh year of Her Majesty's reign, chapter one: And whereas, the said Statute has been amended by an Act of the United Kingdom of Great Britain and Ireland, passed in the fifteenth and sixteenth years of Her said present Majesty's reign, chapter twenty-four; and it is expedient also to declare in force within this colony the said amended Act; May it, &c.

That from and after the coming into operation of this Ordinance, the said amending Act of the fifteenth and sixteenth years of the reign of Her said Majesty, shall be, and is hereby declared to be in force within these islands, as fully and effectually to all intents and purposes as if the said amending Act contained a provision expressly extending its enactments to this colony, or as if the said Act had been made and enacted by the Legislative Council of these islands.

Act of Parliament 15 & 16 Vic. cap. 24, to amend the Act 1 Vic. cap. 26, declared in force by Ord. No. 5, 1856.

I. Whereby an Act passed in the first year of the reign of Her Majesty Queen Victoria, entitled An Act for the amend-

No. 4.
Ord. No. 5,
1856.
Declaring
Act of Parl.
15 & 16 Vic.
c. 24,
in force.

ment of the laws with respect to Wills, it is enacted, that no will shall be valid unless it shall be signed at the foot or end thereof by the testator, or by some other person in his presence and by his direction: Every will shall, so far only as regards the position of the signature of the testator, or of the person signing for him, as aforesaid, be deemed to be valid within the said enactment as explained by this Act, if the signature shall be so placed at or after, or following, or under, or beside, or opposite to the end of the will, that it shall be apparent on the face of the will that the testator intended to give effect by such his signature to the writing signed as his will, and that no such will shall be affected by the circumstance that the signature shall not follow or be immediately after the foot or end of the will, or by the circumstance that a blank space shall intervene between the concluding word of the will and the signature, or by the circumstance that the signature shall be placed among the words of the testimonium clause or of the clause of attestation, or shall follow or be after or under the clause of attestation either with, or without a blank space intervening, or shall follow or be after or under, or beside, the names, or one of the names of the subscribing witnesses, or by the circumstance that the signature shall be on a side or page or other portion of the paper or papers containing the will, whereon no clause, or paragraph or disposing part of the will shall be written above the signature, or by the circumstance that there shall appear to be sufficient space on, or at the bottom of the preceding side or page or other portion of the same paper on which the will is written to contain the signature; and the enumeration of the above circumstances shall not restrict the generality of the above enactment; but no signature under the said Act or this Act shall be operative to give effect to any disposition or direction which is underneath or which follows it, nor shall it give effect to any disposition or direction inserted after the signature shall be made.

II. The provisions of this Act shall extend and be applied to every will already made, where administration or probate has not already been granted or ordered by a Court of competent jurisdiction in consequence of the defective execution of such will, or where the property, not being within the jurisdiction of the Ecclesiastical Courts, has not been possessed or enjoyed by some person or persons claiming to be entitled thereto in consequence of the defective execution of such will, or the right thereto shall not have been decided to be in some other person or persons than the persons claiming under the will by a Court of competent jurisdiction in consequence of the defective execution of such will.

III. The word "Will" shall in the construction of this Act be interpreted in like manner as the same is directed to be interpreted under the provisions in this behalf contained in the said Act of the first year of the reign of Her Majesty Queen Victoria.

IV. This Act may be cited as "The Wills Act Amendment Act, 1852."

No. 5.—ORDINANCE No. 4 of 1860.

An Ordinance to prevent the administration of the estates of persons deceased without Letters Testamentary or Letters of Administration being first had and obtained. (Passed 11th April, 1860. Confirmed 14th June, 1861.)

No. 5.
Ord. No. 4,
1860.

WHEREAS it is expedient that provision should be made by law, to prevent the administration of the estates of persons deceased, without letters testamentary or letters of administration being first had and obtained; May it, &c.

PREAMBLE.

I. That if any person shall take possession of, and in any manner administer any part of the personal estate and effects of any person deceased without obtaining letters testamentary or letters of administration upon the estate of the deceased; every person so offending shall forfeit and pay the sum of Twenty pounds, and also such sum of money as shall become due upon taking out such letters.

No person to administer on an estate without Letters of Administration, under a Penalty of £20.

II. That no such letters testamentary or letters of administration shall henceforth be granted by the Court of Ordinary, unless the party or parties applying therefor shall first enter into bond with sufficient sureties in the sum of Fifty pounds, with condition thereunder written that he, she, or they will within six calendar months, after the date of such bond, make and return into the registry of the said Court a true and correct inventory and appraisement of the estate both real and personal, which was possessed by the deceased at the time of his death, and will within the said six months, pay all fees which may become due and payable on the estate upon which such letters have been applied for; which bond shall be taken by the Ordinary in the name of the Queen and her successors.

No Letters to be given before bond entered into.

III. That if any forfeiture, payment, or penalty shall be incurred under the provisions of this Ordinance, the same may be sued for, recovered, and levied by and before any Court of competent jurisdiction, whenever the President shall think fit to order the same to be sued for: and when recovered shall be recovered for the use of Her Majesty, her heirs and successors, and shall be paid into the public Treasury towards the support of the Government of these islands.

Appropriation of Penalties.

PART III.

CLASS I.—COURTS OF CHANCERY AND ORDINARY.

CLASS II.—COURT OF ERROR.

CLASS III.—SUPREME COURT AND CIVIL PROCEEDINGS THEREIN.

CLASS IV.—JURIES.

CLASS V.—COURT OF WRECK AND SALVAGE CASES.

CLASS VI.—COURTS FOR ADJUDICATING IN CASES OF PETTY DEBT AND TRESPASSES.

CLASS I.

COURTS OF CHANCERY AND ORDINARY.

No. 1.
Act 40 G. 3,
c. 2.

Powers of
Court of Chan-
cery and Courts
and officers of
Justice defined.

No. 1.—Bahama Act, 40 Geo. 3, c. 2.

Section VIII. of this Act enacts that His Majesty's President for the time being, together with the Privy Council, constituting the Court of Chancery, have, and of right ought to have, power and authority to execute, within these islands, so much as well of the aforesaid Statutes, as of the common law (except as herein excepted) as the Lord Chancellor, or Keeper of the Great Seal, may lawfully do in England.*

No. 2.
Ord. No. 3,
1849.

No. 2.—ORDINANCE No. 3, 1849.

An Ordinance to constitute a Court of Chancery within the Turks and Caicos Islands. (Passed 19th June, 1849. Confirmed 1st May, 1850.)

PREAMBLE.

Reciting 40th
George 3,
Ch. 2, Bahama
Laws.

The President
and two
Members of
Council to be
appointed by
the President
to constitute a
Court of
Chancery.

Court to make
rules.

Appeals
allowed to
Her Majesty in
Council.
Proviso.

WHEREAS in and by a certain Act of the Legislature of the Bahama Islands, made and passed in the 40th year of the reign of His Majesty King George the Third, entitled "An Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same," certain powers and authorities are vested in a Court of Chancery; And whereas there is now no Court of Chancery in these islands, and it is expedient that this deficiency should be remedied; May it, &c., That the President of these islands, together with two members of the Legislative Council of the said islands, to be named and appointed by the aforesaid President—shall be, and they are hereby constituted the Court of Chancery for these islands.

II. That the said Court shall and may make rules for conducting the business of such Court, and fix the rate of fees and costs to be taken for transacting business therein, which rules shall be binding on all suitors in the said Court.

III. That if any party shall not rest satisfied with any decree of the said Court, it shall be lawful for such party to appeal to Her Majesty in Council, against the same: Provided, that notice of appeal be given within thirty days after decree pronounced, and that good and sufficient security be given by the appellant effec-

* See No. 2, this Part.

tually to prosecute such appeal within nine months, and to pay such costs and damage as may be awarded by Her Majesty in Council: Provided also that on cause shown, the time limited for the prosecution of such appeal may be enlarged by the Court.

IV. That in every case of appeal to Her Majesty in Council, execution shall be stayed until the determination of such appeal, unless good and sufficient security be given by the appellee to the appellant to make full satisfaction for all losses sustained by reason of such appeal in case the judgment in the first instance shall be reversed.

No. 2.
Ord. No. 3,
1849.

How execution
is to be stayed
in case of
appeal.

No. 3.—ORDINANCE No. 5, 1849.

An Ordinance to provide for the discharge of the Duties of Ordinary within the Turks and Caicos Islands. (Passed 3rd July, 1849. Confirmed 1st May, 1850.)

No. 3.
Ord. No. 5,
1849.

WHEREAS it is necessary that provision should be made for the granting of licences of marriage and performing other Acts which commonly fall within the province of the Court of Ordinary; May it, &c., That from henceforth the chief, or presiding Judge of the Supreme Court of these islands, shall be invested with the power of Ordinary, and shall exercise and perform all matters and things which have hitherto been accustomed to be done and performed by the Ordinary within these islands.

PREAMBLE.

Power of
Ordinary
vested in the
Judge of the
Supreme Court.

II. That the said Judge shall have full power and authority to make rules and regulations for the guidance of suitors in the said Court, which rules shall be printed for general information.

The said
Judge to
make rules.

III. That the said judge shall have the same and the like power and authority for enforcing any decree or order given or pronounced in any case, or with respect to any matter coming within his jurisdiction by virtue of this Ordinance, as he now possesses in cases of contempt of Court, and may issue his warrant for the imprisonment of any party so in contempt until he or they yield obedience unto such order or decree.

How decrees
to be enforced.

IV. That the costs for transacting any business coming within the meaning of this Ordinance, shall be according to a table of fees to be regulated by the President of these islands in Council—and when fixed, shall be annexed to the printed rules for general information.

Table of Costs
to be regulated
by the
President.

No. 4.—ORDINANCE No. 2, 1850.

An Ordinance to amend two several Ordinances, entitled severally "No. 3, 1849. An Ordinance to constitute a Court of Chancery within the Turks and Caicos Islands"—and "No. 5, 1849. An Ordinance to provide for the discharge of the Duties of Ordinary within the Turks and Caicos Islands." (Passed July 2nd, 1850. Confirmed Feb. 26th, 1851.)

No. 4.
Ord. No. 2,
1850.

WHEREAS in and by the Ordinance No. 3, 1849, entitled "An Ordinance to constitute a Court of Chancery within the Turks and Caicos Islands"—as also by the Ordinance No. 5 of the same year, entitled "An Ordinance to provide for the discharge of

PREAMBLE.

No. 4.
Ord. No. 2,
1850.

Rules for the
practice of the
Courts of
Chancery and
Ordinary not
in force until
approved by
the Legislative
Council.

the Duties of Ordinary within the Turks and Caicos Islands," it is amongst other things enacted, that the said Courts should have power to make rules and regulations for conducting the business of such Courts, which rules shall be binding on all suitors in the said Courts respectively. And whereas it is expedient that such rules and regulations should not be enforced until they shall have received the confirmation of the Council of Government of these Islands; May it, &c.

That before any rules or regulations of either of the said Courts shall be binding upon the suitors therein, the same shall first be approved and confirmed by the Legislative Council of the said islands.

CLASS II.

COURT OF ERROR.

No. 1.
Ord. No. 4,
1849.

No. 1.—ORDINANCE No. 4 of 1849.

An Ordinance for regulating Appeals from the Court of Common Law within these Islands. (Passed June 19th, 1849. Confirmed May 1st, 1850.)

PREAMBLE.

Appeals may
be made from
Courts of
Common Law
to a Court of
Error.

The President
with two
Members of
Council to
constitute a
Court of Error.

The Judge from
whose Decree an
Appeal is made,
not to vote as
a Judge in a
Court of Error.
A decree in
Error may be
appealed against
to the Queen in
Council.
Proviso.

Execution to
be stayed in
case of Appeal.

WHEREAS it is expedient that the right of appealing from the Superior Court of these islands should be established; May it, &c., That from and after the passing of this Ordinance it shall be lawful for any party or parties, who shall not rest satisfied with the judgment of the superior Court of these islands, in any civil cause, to appeal from such judgment by Writ of Error to the President for the time being, who, with two members of the Legislative Council for these islands, to be nominated by the said President, shall form a Court for the decision of such appeals, and shall judge and determine therein according to law. Provided that no such appeal shall be allowed, unless the same be craved within fourteen days after judgment signed and entered, and unless the party or parties appellant, shall give good and sufficient security, forthwith to prosecute such appeal and to satisfy all costs and charges, which may be awarded against him, her, or them, in the event of the judgment in the Court below being affirmed. And all proceedings upon such appeals, shall be conducted in the same manner as is practised in cases of Writs of Error in England.

II. That in no case shall it be lawful for the Judge of the Supreme Court—(being a Councillor) to vote on the decision of any such appeal, although he may be present and may give his reasons for such decision.

III. That if any party shall not rest satisfied with the decision of the Court of Appeal aforesaid, it shall be lawful for such party, to appeal from such decision to Her Majesty in Council: Provided that such appeal be made within fourteen days after judgment given, and good and sufficient security be given to the opposite party, effectually to prosecute such appeal within nine months, and to pay all damages which may be awarded in such case.

IV. That in every such case of appeal, execution shall be stayed until the final determination of such appeal, unless good and sufficient security be given by the appellant to make full restitution to the appellee of all loss sustained by such appellee, by means of

such judgment, in case upon the determination of such appeal, such judgment shall be reversed.

V. That the costs in all cases of appeal under this Ordinance shall be regulated as nearly as may be according to the fees which have been accustomed to be taken in the Supreme Court.

No. 1.
Ord. No. 4,
1849.

CLASS III.

SUPREME COURT, AND CIVIL PROCEEDINGS THEREIN.

No. 1.—10 Geo. 4, ch. 8. *An Act for rendering a Written Memorandum necessary to the validity of certain Promises and Agreements.* (January 11th, 1830.)

No. 1.
Act 10 G. 4,
c. 8.

WHEREAS, by an Act passed in England in the twenty-first year of the reign of King James the First, it was, among other things, enacted, that all actions of account, and upon the case, other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suits, and not after: and whereas the said recited statute, by force and operation of a certain Act of the General Assembly of these islands, made and passed in the fortieth year of the reign of His late Majesty King George the Third, entitled, "An Act to declare how much of the laws of England are practicable within the Bahama Islands, and ought to be in force within the same," has been recognized, and is now esteemed, used, accepted, and received as one of the laws of these islands; and whereas, various questions have arisen in actions grounded on simple contract, as to the proof and effect of acknowledgment and promises offered in evidence for the purpose of taking cases out of the operation of the said recited enactment, and it is expedient to prevent such questions, and to make provisions for giving effect to the said enactment, and to the intention thereof; May it, &c., That in actions of debt, or on the case grounded upon any simple contract, no acknowledgment or promise, by words only, shall be deemed sufficient evidence in any of the Courts of these islands, of a new or continuing contract, whereby to take any case out of the operation of the said enactment, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby; and that where there shall be two or more joint contractors, or executors or administrators of any contractor, no such joint contractor, executor, or administrator, shall lose the benefit of the said enactment, so as to be chargeable in any respect, or by reason only of any written acknowledgment or promise, made and signed by any other or others of them: Provided always, that nothing herein contained shall alter, or take away, or lessen, the effect of any payment of principal or interest, made by any person whatsoever: Provided also, that in actions to be commenced against two or more such joint contractors, or executors, or administrators, if it shall appear at the trial, or otherwise, that the plaintiff, though barred by the

PREAMBLE,
reciting 21 Jas.
1, c. 16, and an
Act of Assem-
bly, 40 Geo. 3,
c. 2.

Verbal promise not sufficient evidence of the continuance of any contract.

Proviso respecting Joint Contractors.

No. 1.
Act 10 G. 4,
c. 8.

Proceedings when any defendant shall plead that any other party ought to be jointly sued.

No indorsement by the party to whom payment is made, to operate against said Statute.

Said Statute and this Act, applicable to any debt, &c., by way of set-off. Verbal promise made after full age, of payment of debts contracted during infancy, not binding.

No person shall be charged by reason of any verbal representation regarding the credit of another.

said recited Act, as to one or more of such joint contractors, or executors or administrators, shall, nevertheless, be entitled to recover against any other or others of the defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given, and costs allowed for the plaintiff, as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

II. That if any defendant or defendants in any action on any simple contract, shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial that the action could not, by reason of the said recited Act, be maintained against the other person or persons named in such plea, or any of them, the issue joined in such plea, shall be found against the party pleading the same.

III. That no endorsement or memorandum of any payment, written or made, after the time appointed for this Act to take effect, upon any promissory note, bill of exchange, or other writing, by or on behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment, so as to take the case out of the operation of the said statute.

IV. That the said recited Act, and this Act, shall be deemed and taken to apply to the case of any debt or simple contract alleged by way of set-off, on the part of any defendant, either by plea, notice, or otherwise.

V. That no action shall be maintained whereby to charge any person upon any promise made, after full age, to pay any debt contracted during infancy, or upon any ratification, after full age, of any promise or simple contract made during infancy, unless such promise or ratification shall be made by some writing, signed by the party to be charged therewith.

VI. That no action shall be brought whereby to charge any person upon, or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade, or dealings, of any other person, to the intent or purpose that such other person may obtain credit, money, or goods thereupon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

VII. Commencement of Act, 1st January, 1831.

No. 2.
Act 3 Vic.
c. 33.

No. 2.—3 Vic. ch. 33. *An Act to extend to these Islands the Act of Parliament 3rd & 4th William 4, ch. 42, entitled, "An Act for the further Amendment of the Law, and the better Administration of Justice."* (February 20th, 1840.)

Enacts:—"That from and after the passing thereof, the above mentioned Act of Parliament shall be in force within these islands, with the following provisos; Provided, however, that the 1st, 7th, 15th, 16th, 17th, 18th, 19th, 20th, 22nd, 36th, 42nd, 43rd, 44th, and 45th clauses of the aforesaid Act, not being applicable to the Turks and Caicos Islands, shall not be in force therein: Provided also, that no person, being within any part of the said islands, shall be deemed or taken to be beyond seas, for any purpose mentioned in the said above-mentioned Act."

Clauses of the Act of Parliament, 3 & 4 William the 4th, ch. 42, declared to be in force within these islands, by the preceding Act.

No. 2.
Act 3 Vic.
c. 33.

*Clauses of Stat.
extended.*

II. And Whereas, There is no remedy provided by law for injuries to the real estate of any person deceased, committed in his lifetime, nor for certain things done by a person deceased, in his lifetime, to another, in respect of his property, real or personal; for remedy thereof; Be it, &c., That an action of trespass or trespass on the case, as the case may be, may be maintained by the executors or administrators of any person deceased, for any injury to the real estate of such person, committed in his lifetime, for which an action might have been maintained by such person, so as such injury shall have been committed within six calendar months before the death of such deceased person; and provided such action shall be brought within one year after the death of such person; and the damages, when recovered, shall be part of the personal estate of such person; and, further, that an action of trespass or trespass on the case, as the case may be, may be maintained against the executors or administrators of any person deceased, for anything committed by him, in his lifetime, to another, in respect of his property, real or personal, so as such injury shall have been committed within six calendar months before such person's death; and so as such action shall be brought within six calendar months after such executors or administrators shall have taken upon themselves the administration of the estate and effects of such person; and the damages to be recovered in such action shall be payable in like order of administration, as the simple contract debts of such person.

The particular clauses of 3 & 4 W. 4, c. 42, which are extended to these Islands.

Executors may bring actions for injuries to the real estates of the deceased.

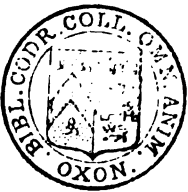
An action may be brought against Executors for injury to property, real or personal.

III. That all actions of debt for rent upon an indenture of demise, all actions of covenant or debt upon any bond or other specialty, and all actions of debt or *scire facias* upon any recognizance, and, also all actions of debt upon any award, where the submission is not by specialty, or for any fine due in respect of any copyhold estates, or for an escape, or for money levied on any *fieri facias*, and all actions for penalties, damages, or sums of money given to the party grieved, by any statute now or hereafter to be in force, that shall be sued or brought at any time after the end of the present Session of Parliament, shall be commenced and sued within the time and limitation hereinafter expressed, and not after; that is to say, the said actions of debt for rent, upon an indenture of demise, or covenant or debt upon any bond or other specialty, actions of debt or *scire facias* upon recognizance, within ten years after the end of this present session, or within twenty years after the cause of such actions or suits, but not after; the said actions by the party grieved, one year after the end of this present session, or within two years after the cause of such actions or suits, but not after; and the said other actions within three years after the end of this present session, or within six years after the cause of such actions or suits, but not after: Provided, That nothing herein contained shall extend to any action given by any statute, where the time for bringing such action is, or shall be, by any statute specially limited.

Limitation of Action of Debt, on Specialties, &c.

IV. That if any person or persons that is, or are, or shall be, entitled to any such action or suit, or to such *scire facias*, is, or are, or shall be, at the time of any such cause of action accrued, within the age of twenty-one years, *femme couverte*, *non compos mentis*, or

Remedy for infants, *femme couverts*, &c.



No. 2.
Act 3 Vic.
c. 33.

*Clauses of Stat.
extended.*

Absence of De-
fendants be-
yond Seas
provided for.

Proviso in case
of acknowledg-
ment in writing
or by part pay-
ment.

The limitation
after judgment
or outlawry
reversed.

Restriction as
to plea in abate-
ment, for non-
joinder of a co-
defendant.

Reply of plain-
tiff to plea in
abatement of
non-joinder.
Provision in
subsequent
proceedings in
a plea of
abatement.

beyond the seas, then such person or persons shall be at liberty to bring the same actions, so as they commence the same within such times after their coming to or being of full age, *discover*, of sound memory, or returned from beyond the seas, as other persons having no such impediment should, according to the provisions of this Act, have done; and that if any person or persons against whom there shall be any such cause of action, is, or are, or shall be, at the time such cause of action accrued, beyond the seas, then the person or persons entitled to any such cause of action shall be at liberty to bring the same against such person or persons, within such times as are before limited after the return of such person or persons from beyond the seas.

V. Provided always, that if any acknowledgment shall have been made, either by writing signed by the party liable by virtue of such indenture, specialty, or recognizance, or his agent, or by part payment, or part satisfaction, on account of any principal or interest being then due thereon, it shall and may be lawful for the person or persons entitled to such actions to bring his or their action for the money remaining unpaid, and so acknowledged to be due, within twenty years after such acknowledgment, by writing or part payment or part satisfaction, as aforesaid, or in case the person or persons entitled to such action shall, at the time of such acknowledgment, be under such disability, as aforesaid, or the party making such acknowledgment be, at the time of making the same, beyond the seas, then, within twenty years after such disability shall have ceased, as aforesaid, or the party shall have returned from beyond seas, as the case may be, and the plaintiff or plaintiffs in any such action on any indenture, specialty, or recognizance, may, by way of replication, state such acknowledgment, and that such action was brought within the time aforesaid, in answer to a plea of this statute.

VI. And, nevertheless, Be it enacted, if in any of the said actions judgment be given for the plaintiff, the same be reversed by error, or a verdict pass for the plaintiff, and upon matter alleged in arrest of judgment, the judgment be given against the plaintiff, that he take nothing by his plaint, writ, or bill; or if in any of the said actions the defendant shall be outlawed, and shall after reverse the outlawry, that in all such cases the party plaintiff, his executors or administrators, as the case shall require, may commence a new action or suit, from time to time, within a year after such judgment reversed, or such judgment given against the plaintiff, or outlawry reversed, and not after.

VIII. That no plea in abatement, for the non-joinder of any person as a co-defendant, shall be allowed in any Court of common law, unless it shall be stated in such plea that such person is resident within the jurisdiction of the Court, and unless the place of residence of such person shall be stated with convenient certainty in an affidavit verifying such plea.

IX. That to any plea in abatement, in any Court of law, of the non-joinder of another person, the plaintiff may reply that such person has been discharged by bankruptcy and certificate, or under an Act for the relief of insolvent debtors.

X. That in all cases in which, after such plea in abatement, the plaintiff shall, without having proceeded to trial upon an issue thereon, commence another action against the defendant or defend-

ants in the action, in which such plea in abatement shall have been pleaded, and the person or persons named in such plea in abatement as joint contractors, if it shall appear by the pleadings in such subsequent action, or on the evidence at the trial thereof, that all the original defendants are liable, but that one or more of the persons named in such plea in abatement, or any subsequent plea in abatement, are not liable as a contracting party, or parties, the plaintiff shall, nevertheless, be entitled to judgment, or to a verdict and judgment, as the case may be, against the other defendant or defendants, who shall appear to be liable; and every defendant who is not so liable shall have judgment, and shall be entitled to his costs as against the plaintiff, who shall be allowed the same as costs in the cause against the defendant or defendants, who shall have so pleaded in abatement, the non-joinder of such person: Provided that any such defendant, who shall have so pleaded in abatement, shall be at liberty, on the trial, to adduce evidence of the liability of the defendants named by him in such plea of abatement.

No. 2.
Act 3 Vic.
c. 33.

*Clauſes of Stat.
extended.*

XI. That no plea in abatement for a misnomer shall be allowed in any personal action, but that in all cases in which a misnomer would but for this Act, have been by law pleadable in abatement in such actions, the defendant shall be at liberty to cause the declaration to be amended, at the costs of the plaintiff, by inserting the right name, upon a Judge's summons founded on an affidavit of the right name; and in case such summons shall be discharged, the costs of such application shall be paid by the party applying, if the Judge shall think fit.

Misnomer not
to be pleaded
in abatement.

XII. That in all actions upon bills of exchange or promissory notes, or other written instruments, any of the parties to which are designated by the initial letter or letters, or some contraction of the Christian or first name or names, it shall be sufficient in every affidavit to hold to bail, and in the process or declaration to designate such persons by the same initial letter or letters, or contraction of the Christian or first name or names, instead of stating the Christian or first name or names in full.

Initials of
names may be
used in some
cases.

XIII. That no wager of law shall be hereafter allowed.

XIV. That an action of debt on simple contract shall be maintainable in any Court of common law against any executor or administrator.

Action of Debt
on simple con-
tract.

XXI. That it shall be lawful for the defendant in all personal actions (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation, or debauchery of the plaintiff's daughter or servant), by leave of any of the said superior Courts where such action is pending, or a Judge of any of the said superior Courts, to pay into Court a sum of money, by way of compensation or amends, in such manner and under such regulations as to the payment of costs, and the form of pleading, as the said Judges or such eight or more of them, as aforesaid, shall, by any rules or orders by them, to be from time to time made, order and direct.

Defendant to be
allowed to pay
money into
Court in certain
actions, by
Judge's order.

XXIII. And whereas great expense is often incurred, and delay or failure of justice takes place at trials, by reason of variances as to some particular or particulars, between the proof and the record or setting forth, on the record or document on which the trial is had, of contracts, customs, prescriptions, names, and other matters or circumstances, not material to the merits of the case, and

Record may be
amended in
certain cases.

No. 2.
Act 3 Vic.
c. 33.

*Clauses of Stat.
extended.*

by the misstatement of which the opposite party cannot have been prejudiced, and the same cannot, in any case, be amended at the trial, except where the variance is between any matter in writing, or in print, produced in evidence, and the record: And whereas, it is expedient to allow such amendments as hereinafter mentioned, to be made on the trial of the cause; Be it, &c., That it shall be lawful for any court of record holding plea in civil actions, and any Judge sitting at *nisi prius*, if such Court or Judge shall see fit so to do, to cause the record, writ, or document, on which any trial may be pending before any such Court or Judge in any civil action, or in any information in the nature of a *quo warranto* or proceedings on a *mandamus*, when any variance shall appear between the proof and the recital, or setting forth on the record, writ, or document on which the trial is proceeding, of any contract, custom, prescription, name, or other matter, in any particular or particulars in the judgment of such Court or Judge, not material to the merits of the case, and by which the opposite party cannot have been prejudiced in the conduct of his action, prosecution, or defence, to be forthwith amended by some officer of the Court, or otherwise, both in the part of the pleadings where such variance occurs, and in every other part of the pleadings which it may become necessary to amend, on such terms as to payment of costs to the other party, or postponing the trial to be had before the same or another jury, or both payment of costs and postponement, as such Court or Judge shall think reasonable; and in case such variance shall be in some particular or particulars in the judgment of such Court or Judge, not material to the merits of the case, but such as that the opposite party may have been prejudiced thereby, in the conduct of his action, prosecution, or defence, then such Court or Judge shall have power to cause the same to be amended, upon payment of costs to the other party, and withdrawing the record, or postponing the trial, as aforesaid, as such Court or Judge shall think reasonable; and after any such amendment, the trial shall proceed, in case the same shall be proceeded with, in the same manner in all respects, both with respect to the liability of witnesses to be indicted for perjury, and otherwise, as if no such variance had appeared; and in case such trial shall be had at *nisi prius*, or by virtue of such writ, as aforesaid, the order for the amendment shall be endorsed on the *postea* or the writ, as the case may be, and returned together with the record or writ, and thereupon, such papers, rolls, and other records of the Court, from which such record or writ issued, as it may be necessary to amend, shall be amended accordingly; and in case the trial shall be had in any Court of Record, then the order for amendment shall be entered on the roll or other document, upon which the trial shall be had; Provided, that it shall be lawful for any party who is dissatisfied with the decision of such Judge, at *nisi prius*, sheriff, or other officer, respecting his allowance of any such amendment, to apply to the Court, from which such record or writ issued, for a new trial upon that ground; and in case any such Court shall think such amendment improper, a new trial shall be granted accordingly, on such terms as the Court shall think fit, or the Court shall make such other order, as to them may seem meet.

Power for the
Court or Judge
to direct the

XXIV. That the said Court or Judge shall and may, if they or he think fit, in all such cases of variance, instead of causing the record or document to be amended as aforesaid, direct the jury to

find the fact or facts, according to the evidence, and thereupon, such finding shall be stated on such record or document; and notwithstanding the finding on the issue joined, the said Court, or the Court from which the record has issued, shall, if they shall think the said variance immaterial to the merits of the case, and the misstatement such as could not have prejudiced the opposite party in the conduct of the action or defence, give judgment according to the very right and justice of the case.

XXV. That it shall be lawful for the parties in any action or information, after issue joined, by consent and by order of any of the judges of the said superior Court, to state the facts of the case, in the form of a special case, for the opinion of the Court, and to agree that a judgment shall be entered for the plaintiff or defendant, by confession, or of *nolle prosequi*, immediately after the decision of the case, or otherwise, as the Court may think fit, and judgment shall be entered accordingly.

XXVI. And in order to render the rejection of witnesses on the ground of interest less frequent; Be it, &c., That if any witness shall be objected to as incompetent, on the ground that the verdict or judgment, in the action on which it shall be proposed to examine him, would be admissible in evidence, for or against him, such witness shall, nevertheless, be examined, but in that case, a verdict or judgment in that action, in favour of the party on whose behalf he shall have been examined, shall not be admissible in evidence for him, or any one claiming under him, nor shall a verdict or judgment against the party on whose behalf he shall have been examined, be admissible in evidence against him, or any one claiming under him.

XXVII. That the name of every witness objected to, as incompetent on the ground that such verdict or judgment would be admissible in evidence for or against him, shall, at the trial, be endorsed on the record or document on which the trial shall be had, together with the name of the party on whose behalf he was examined, by some officer of the Court, at the request of either party, and shall be afterwards entered on the record of the judgment; and such endorsement or entry shall be sufficient evidence that such witness was examined in any subsequent proceeding in which the verdict or judgment shall be offered in evidence.

XXVIII. That upon all debts or sums certain, payable at a certain time or otherwise, the jury, on the trial of any issue, or on any inquisition of damages, may, if they shall think fit, allow interest to the creditor, at a rate not exceeding the current rate of interest, from the time when such debts or sums certain were payable, if such debts or sums be payable by virtue of some written instrument at a certain time, or if payable otherwise, then from the time when demand of payment shall have been made in writing, so as such demand shall give notice to the debtor, that interest will be claimed from the date of such demand until the term of payment: Provided, That interest shall be payable in all cases in which it is now payable by law.

XXIX. That the jury on the trial of any issue, or on any inquisition of damages may, if they shall think fit, give damages, in the nature of interest, over and above the value of the goods at the time of the conversion or seizure, in all actions of trover or trespass, *de bonis asportatis*, and over and above the money recoverable in

No. 2.
Act 3 Vic.
c. 33.

*Clauses of Stat.
extended.*

facts to be
found specially.

Power to state
a special case
without pro-
ceeding to trial.

Witnesses in-
terested solely
on account of
the verdict to
be admissible.

Direction to
enforce the
name of the
witness on the
Record.

Jury empow-
ered to allow
interest upon
debts.

When Jury
may give dam-
ages in the
nature of in-
terest.

No. 2.
Act 3 Vic.
c. 83.

*Clauses of Stat.
extended.*

Interest to be
allowed on all
Writs of Error for delay of execution.

Executors sue-
ing in right of
the Testator to
pay costs.

Defendants
having a *nolle
prosequi*, or a
verdict, shall
have costs.

Where *nolle
prosequi* en-
tered upon any
Court, &c.

Plaintiff in
scire facias
and plaintiff or
defendant on
demurrer, to
have costs.

Costs of Spe-
cial Juries in
case of non-
suit, 6 G. 4,
c. 50.

all actions on policies of assurance made after the passing of this Act.

XXX. That if any person shall sue out any writ of error, upon any judgment whatsoever given in any Court, in any action personal, and the Court of Error shall give judgment of the defendant thereon, then interest shall be allowed by the Court of Error, for such times as execution has been delayed by such writ of error for the delaying thereof.

Writs of Error for delay of execution.

XXXI. That in every action brought by any executor or administrator, in right of the testator or intestate, such executor or administrator shall, unless the Court in which such action is brought, or a Judge of any of the said superior Courts shall otherwise order, be liable to pay costs to the defendant in case of being nonsuited, or a verdict passing against the plaintiff, as in all other cases in which he would be liable if such plaintiff were suing in his own right upon a cause of action accruing to himself; and the defendant shall have judgment for such costs, and they shall be recovered in like manner.

XXXII. That where several persons shall be made defendants in any personal action, and any one or more of them shall have a *nolle prosequi* entered as to him or them, or upon the trial of such action, shall have a verdict pass for him or them, every such person shall have judgment for, and recover his reasonable costs, unless, in the case of a trial, the Judge before whom such cause shall be tried, shall certify upon the record, under his hand, that there was a reasonable cause for making such person a defendant in such action.

XXXIII. That where any *nolle prosequi* shall have been entered upon any count, or as to part of any declaration, the defendant shall be entitled to, and have judgment for, and recover his reasonable costs in that behalf.

XXXIV. That in all writs of *scire facias*, the plaintiff obtaining judgment on an award of execution shall recover his costs of suit, upon a judgment by default, as well as upon a judgment after plea pleaded, or demurrer joined; and that where judgment shall be given, either for or against a plaintiff or demandant, or for or against a defendant or tenant, upon any demurrer joined, in any action whatever, the party, in whose favour such judgment shall be given, shall also have judgment to recover his costs in that behalf.

XXXV. And whereas, It is provided in and by a statute passed in the sixth year of the reign of His late Majesty, entitled "An Act for consolidating and amending the Law relative to Jurors and Juries," that the person or party who shall apply for a special jury, shall pay the fees for striking such jury, and all the expenses occasioned by the trial of the cause by the same, and shall not have any further or other allowance for the same, upon taxation of costs than such person or party would be entitled unto, in case the cause had been tried by a common jury, unless the judge, before whom the cause is tried, shall, immediately after the verdict, certify under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury; And whereas, the said provision does not apply to cases in which the plaintiff has been nonsuited, and it is expedient that the judge should have such power of certifying as well when a plaintiff is nonsuited, as when he has a verdict against him; Be it, &c., That the said provision of the

said last-mentioned Act of Parliament, and everything therein contained, shall apply to cases in which the plaintiff shall be non-suited, as well as to cases in which a verdict shall pass against him.

XXXVII. That it shall be lawful for the executors or administrators of any lessor or landlord to distrain upon the lands demised for any term, or at will, for the arrearages of rent due to such lessor or landlord in his lifetime, in like manner as such lessor or landlord might have done in his lifetime.

XXXVIII. That such arrearages may be distrained for after the end or determination of such term or lease, at will, in the same manner as if such term or lease had not been ended or determined : Provided, That such distress be made within the space of Six calendar months after the determination of such term or lease, and during the continuance of the possession of the tenant from whom such arrears became due : Provided also, That all and every the powers and provisions in the several statutes made, relating to distresses for rent, shall be applicable to the distresses so made, as aforesaid.

XXXIX. And whereas, it is expedient to render references to arbitration more effectual ; Be it, &c., That the power and authority of any arbitrator, or umpire appointed by, or in pursuance of, any Rule of Court, or Judge's Order, or order of *nisi prius* in any action now brought, or which shall be hereafter brought, or by or in pursuance of any submission to reference containing an agreement that such submission shall be made a rule of any of His Majesty's Courts of record, shall not be revocable by any party, to such reference, without the leave of the Court, by which such rule or order shall be made, or which shall be mentioned in such submission, or by leave of a Judge ; and the arbitrator or umpire shall, and may, and is hereby required to proceed with the reference, notwithstanding any such revocation, and to make such award, although the person making such revocation, shall not afterwards attend the reference ; and that the Court or any Judge thereof, may, from time to time, enlarge the term for any such arbitrator making his award.

XL. That when any reference shall have been made, by any such rule or order as aforesaid, or by any submission containing such agreement as aforesaid, it shall be lawful for the Court by which such rule or order shall be made, or which shall be mentioned in such agreement, or for any Judge, by rule or order to be made for that purpose, to command the attendance and examination of any person to be named, or the production of any documents to be mentioned in such rule or order : and the disobedience to any such rule or order shall be deemed a contempt of Court, if, in addition to the service of such rule or order, an appointment of the time and place of attendance in obedience thereto, signed by one at least of the arbitrators, or by the umpire, before whom the attendance is required, shall also be served either together with or after the service of such rule or order : Provided always, that every person whose attendance shall be so required, shall be entitled to the like conduct money, and payment of expenses, and for loss of time, as for and upon attendance at any trial : Provided also, that the application made to such Court or Judge, for such rule or order, shall set forth the county where such witness is residing at the time, or

No. 2.
Act 3 Vic.
c. 33.

*Clauses of Stat.
extended.*

Executors of
Lessor may
distrain for
arrears in his lifetime.

Arrears may
be distrained
for within six
months after
determination
of term.

Submission to
arbitration by
Rule of Court,
&c., not to be
revocable
without leave
of Court.

Power to com-
pel the attend-
ance of wit-
nesses.

No. 2.
Act 3 Vic.
c. 33.

*Clauses of Stat.
extended.*

Power for the
arbitrators,
under a Rule
of Court, to
administer an
Oath.

satisfy such Court or Judge, that such person cannot be found: Provided also, That no person shall be compelled to produce, under any such rule or order, any writing or other document, that he would not be compelled to produce at a trial, or to attend at more than two consecutive days, to be named in such order.

XLI. That when in any rule or order of reference, or in any submission to arbitration, containing an agreement that the submission shall be made a rule of court, it shall be ordered or agreed that the witnesses upon such reference shall be examined upon oath, it shall be lawful for the arbitrator or umpire, or any one arbitrator, and he or they are hereby authorized and required to administer an oath to such witnesses, or to take their affirmation in cases where affirmation is allowed by law instead of oath; and if upon such oath or affirmation any person making the same, shall wilfully and corruptly give any false evidence, every person, so offending, shall be deemed and taken to be guilty of perjury, and shall be prosecuted and punished accordingly.

No. 3.
Act 10 Vic.
c. 30.

No. 3.—10 Vic. ch. 30. *An Act to enable Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise.* (25th March, 1847.)

PREAMBLE.

Commission
may issue for
examination of
persons unable
from infirmity
to attend Court
in person.

WHEREAS, great difficulties and delays may often be experienced, and sometimes a failure of justice take place in actions depending in Courts of Law, by reason of the want of a competent power and authority in the said Courts to order and enforce the examination of witnesses, when the same may be required before the trial of a cause, in consequence of the permanent sickness or infirmity of such witnesses, and their consequent inability to attend such trial; for remedy whereof, May it, &c., That in all actions depending in any of the Courts of Law of these islands, when it shall appear on oath that a party required as a witness in the cause will be unable to attend the trial, from permanent sickness or other permanent infirmity, it shall and may be lawful to and for the Judges or presiding Judge of the said Court respectively, upon the application of any of the parties to such suit, to order the examination on oath upon interrogatories or otherwise, before the Prothonotary of the said Court, or other person or persons to be named in such order, of any witnesses within the jurisdiction of the Court where the action shall be depending, or to order a commission to issue for the examination of witnesses on oath, at any place or places out of such jurisdiction, by interrogatories, and by the same or any other subsequent order or orders, to give all such directions, touching the time, place, and manner of such examination and all other matters and circumstances connected with such examinations, as may appear reasonable and just.

Powers of
Judge of Court
to command
attendance of
persons to be
examined as
witnesses when

II. That when any rule or order shall be made for the examination of witnesses within the jurisdiction of the Court wherein the action shall be depending, by authority of this Act, it shall be lawful for the Court, or any Judge thereof, in and by the first rule or order to be made in the matter, or any subsequent rule or order, to command the attendance of any person to be named in such

rule or order, for the purpose of being examined, or the production of any writings or other documents to be mentioned in such rule or order, and to direct the attendance of any such person to be at his own place of abode or elsewhere, if necessary or convenient so to do; and the wilful disobedience of any such rule or order, shall be deemed a contempt of Court, and proceedings may be thereupon had by attachment (the Judge's order being made a rule of Court, before or at the time of the application for an attachment), if in addition to the service of the rule or order, an appointment of the time and place of attendance in obedience thereto, signed by the person or persons appointed to take the examination, or by one or more of such persons, shall be also served, together with or after the service of such rule or order: Provided always, that every person whose attendance shall be so required, shall be entitled to the like conduct money, and payment of expenses, and loss of time, as upon attendance at the trial: Provided also that no person shall be compelled to produce, under any such rule or order, any writing or other document that he would not be compellable to produce at a trial of the cause.

III. That it shall be lawful for all and every person, authorized to take the examination of witnesses, by any rule, order, or commission, made or issued in pursuance of this Act, and he and they are hereby authorized and required to take all such examinations upon the oath of the witnesses, or affirmation, in cases where affirmation may be allowed by law, instead of oath, to be administered by the person so authorized, or by any Judge of the Court, wherein the action shall be depending; and if upon such oath or affirmation, any person making the same shall wilfully and corruptly give any false evidence, every person so offending, shall be deemed and taken to be guilty of perjury, and shall and may be indicted and prosecuted for such offence.

IV. That it shall and may be lawful for the Prothonotary, or any other person to be named in every such rule or order, as aforesaid, for taking any examination in pursuance thereof, and he and they are hereby required to make, if need be, a special report to the Court touching such examination, and the conduct or absence of any witness, or other person thereon or relating thereto; and the Court is hereby authorized to institute such proceedings, and make such order and orders, upon such report as justice may require, and as may be instituted and made in any case of contempt of the Court.

V. That the costs of every rule or order to be made for the examination of witnesses, under any commission, or otherwise, by virtue of this Act, and of the proceedings thereupon, shall be costs in this cause, unless otherwise directed either by the Judge making such rule or order, or by the Judge before whom the cause may be tried, or by the Court.

VI. That no examination or deposition to be taken by virtue of this Act, shall be read in evidence at any trial, without the consent of the party against whom the same may be offered, unless it shall appear to the satisfaction of the Court, that the examinant or deponent is beyond the jurisdiction of the Court, or dead, or unable from permanent sickness, or other permanent infirmity, to attend the trial; in all, or any of which cases, the examination and depositions, certified under the hand of the Commissioner, Prothono-

No. 3.
Act 10 Vic.
c. 30.

and where he
may in any
rule of Court
designate.

Duty of persons
authorized to
examine wit-
nesses.

Persons au-
thorized to
examine wit-
nesses, may
specially re-
port relating
to such exami-
nation.

Costs of rule.

Examinations
not to be read
in evidence ex-
cept the witness
is unable to at-
tend personally.

No. 3.
Act 10 Vic.
c. 30.

tary, or other person making the same, shall and may, without proof of the signature to such certificate, be received and read in evidence, saving all just exceptions.

No. 4.
Act 10 Vic.
c. 24.
PREAMBLE.

No. 4—10 Vic. ch. 22. *An Act for improving the Law of Evidence.*
March 27th, 1847.)

Witnesses not
deemed incompetent
from
crime or in-
terest.

WHEREAS, the inquiry after truth in Courts of Justice is often obstructed by incapacities created by the present law, and it is desirable that full information as to the facts in issue, both in criminal and in civil cases, should be laid before the persons who are appointed to decide upon them: and that such persons should exercise their judgment on the credit of the witnesses adduced, and on the truth of their testimony: Now, therefore, May it, &c., That no person offered as a witness, shall hereafter be excluded by reason of incapacity, from crime or interest, from giving evidence, either in person or by deposition, according to the practice of the Court, on the trial of any issue joined, or of any matter or question, or any inquiry arising in any Court, or before any judge, jury, coroner, magistrate, officer, or person having, by law, or by consent of parties, authority to hear, receive, and examine evidence, but that every person so offered may, and shall be admitted, to give evidence on oath or solemn affirmation in those cases wherein affirmation may by law be receivable, notwithstanding, that such person may or shall have an interest in the matter in question, or in the event of the trial of any issue, matter, question, or injury, or of the suit, action, or proceeding in which he is offered as a witness, and notwithstanding that such person offered may have been previously convicted of any crime or offence: Provided that this Act shall not render competent any party to any suit, action, or proceeding, individually named in the record, or any lessor of the plaintiff, or tenant of the premises sought to be recovered in ejectment, or the landlord, or the person in whose right any defendant in replevin, may take cognizance: or any person in whose immediate and individual behalf any action may be brought or defended, either wholly or in part, or the husband or wife of such person, respectively: Provided also, that this Act shall not repeal any provision in a certain Act passed in the first year of the reign of Her present Majesty, entitled, "An Act for the amendment of the Laws with respect to Wills:" Provided, that in Courts of Equity any defendant to any cause, pending in any such Court, may be examined as a witness on the behalf of the plaintiff, or of any co-defendant in any such cause, saving just exceptions; and that any interest which such defendant, so to be examined may have in the matters, or any of the matters in question in the cause, shall not be deemed a just exception to the testimony of such defendant, but shall only be considered as affecting, or tending to affect, the credit of such defendant as a witness.

Proviso.

Proviso.

Proviso.

Exception.

This Act not
to affect any
suit com-
menced from
this Act.

II. That nothing in this Act shall apply to or affect any suit, action, or proceeding brought or commenced before the passing of this Act.

No. 5.—11 Vic. ch. 27. *An Act to enable Courts of Law to give Relief against adverse Claims made upon Persons having no interest in the subject of such Claims.* (19th April, 1848.)

No. 5.
Act 11 Vic.
c. 27.

PREAMBLE.

WHEREAS, it often happens that a person sued at law for the recovery of money or goods wherein he has no interest, and which are also claimed of him by some third party, has no means of relieving himself from such adverse claims but by a suit in equity, against the plaintiff and such third party, usually called a bill of interpleader, which is attended with expense and delay; for remedy whereof, Be it enacted, That upon application made by or on the behalf of any defendant sued in the Supreme Court of the Turks and Caicos Islands, in any action of assumpsit debt, trover or trespass, such application being made after declaration and before plea (if by the practice of the Court required to be filed) by affidavit or otherwise, showing that such defendant does not claim any interest in the subject matter of the suit, but that the right thereto is claimed or supposed to belong to some third party who has sued or is expected to sue for the same, and that such defendant does not in any manner collude with such third party, but is ready to bring into Court or to pay or dispose of the subject matter of the action, in such manner as the Court or any Judge thereof may order or direct, it shall be lawful for the Court or any Judge thereof, to make rules and orders, calling upon such third party to appear and state the nature and particulars of his claim, and maintain or relinquish his claim, and upon such rule or order to hear the allegations, as well of such third party as of the plaintiff, and in the mean time to stay the proceedings in such action, and finally to order such third party to make himself defendant in the same or some other action, or to proceed to trial on one or more feigned issue or issues, and also to direct which of the parties shall be plaintiff or defendant on such trial, or, with the consent of the plaintiff and such third party, their counsel or attorney, to dispose of the merits of their claims, and determine the same in a summary manner, and to make such other rules and orders therein as to costs and all other matters as may appear to be just and reasonable.

On application of defendant in Supreme Court, or having no interest in the suit, Court or Judge may call on the person interested to appear.

II. That the judgment in any such action or issue as may be directed by the Court or Judge, and the decision of the Court or Judge in a summary manner, shall be final and conclusive against the parties, and all persons claiming by, from, or under them.

Decision of Court or Judge final.

III. That if such third party shall not appear upon such rule or order to maintain or relinquish his claim being duly served therewith, or shall neglect or refuse to comply with any rule or order to be made after appearance, it shall be lawful for the Court or Judge to declare such third party, and all persons claiming by, from, or under him, to be for ever barred from prosecuting his claim against the original defendant, his executors or administrators; saving, nevertheless, the right or claim of such third party against the plaintiff, and thereupon to make such order between such defendant and the plaintiff as to costs and other matters as may appear just and reasonable: Provided always, That every order to be made in pursuance of this Act by a single Judge of the said Supreme Court, not sitting in open Court, shall be liable to be rescinded or altered by the said Court, in like manner as other orders made by a single

Penalty on third parties not appearing.

No. 5.
Act 11 Vic.
c. 27.

Protection to
Provost Mar-
shal and con-
stables.

Judge. Provided also, that if upon application to a Judge of the said last-mentioned Court in the first instance, or in any later stage of the proceedings, he shall think the matter more fit for decision of the Court, it shall be lawful for him to refer the matter to the Court; and thereupon the Court shall and may hear and dispose of the same in the same manner as if the proceeding had originally commenced by rule of Court instead of the order of a Judge.

IV. And whereas, difficulties may arise in the execution of process against goods and chattels issued by or under the authority of the said Courts, by reason of claims made to such goods and chattels by assignees of bankrupts and other persons not being the parties against whom such process has issued, whereby the Provost Marshal and other officers are exposed to the hazard and expense of actions, and it is reasonable to afford relief and protection in such cases to such Provost Marshal and other officers; Be it, therefore, further enacted, That when any such claim shall be made to any goods or chattels taken, or intended to be taken in execution under any such process, or to the proceeds or value thereof, it shall and may be lawful to and for the Court from which such process issued, or any Judge thereof, upon application of such Provost Marshal or other officer, made before or after the return of such process, and as well before as after any action brought against such Provost Marshal or other officer, to summon by rule of Court or order, as well the party issuing such process as the party making such claim, and thereupon to exercise for the adjustment of such claims and the relief and protection of the Provost Marshal or other officer, all or any of the powers and authorities hereinbefore contained, and make such rules and decisions as shall appear to be just, according to the circumstances of the case: and the costs of all such proceedings shall be in the discretion of the Court or Judge.

Proceeding to
be entered of
record.

V. That all rules, orders, matters and decisions to be made and done in pursuance of this Act, except only the affidavits to be filed, may together with the declaration in the cause (if any), be entered of record, with a note in the margin, expressing the true date of such entry, to the end that the same may be evidence in future times, if required, and to secure and enforce the payment of costs directed by any such rule or order, and every such rule or order so entered, shall have the force and effect of a judgment, and in case any costs shall not be paid within fifteen days after notice of the taxation and amount thereof given to the party ordered to pay the same, his agent or attorney, execution may issue for the same adapted to the case, together with the costs of such entry, and of the execution; and such writ and writs may bear teste on the day of issuing the same, and the Provost Marshal or other officer executing any such writ shall be entitled to the same fees and no more as upon any similar writ grounded upon the judgment of the Court.

Fees.

No. 6.
Ord. No. 1,
1852.

No. 6.—ORDINANCE No. 1 of 1852.

An Ordinance to provide a permanent Salary for the Judge of the Supreme Court.

[See the Ordinance in extenso, *post*, Part IX. Class VIII. No. 6.]

No. 7.—ORDINANCE No. 9 of 1852.

No. 7.
Ord. No. 9,
1852.

An Ordinance to consolidate and amend the Laws relating to the Superior Court of Justice. (Passed 28th Oct. 1852. Assented to 1st Aug. 1853.)

WHEREAS, it has become expedient and necessary that the several laws now in force for the establishment and regulation of the Superior Court of Justice of these islands should be amended and consolidated; May it, &c. PREAMBLE.

I. That the Court heretofore known in these islands by the style and title of "The Court of Criminal Justice and Common Pleas for the Parishes of St. Thomas and St. George," shall, from and after the allowance of this Ordinance, be known and designated as "The Supreme Court of the Turks and Caicos Islands," and the same is hereby established as a Court of Record by the aforesaid style and title of "The Supreme Court of the Turks and Caicos Islands," and is hereby invested with all the powers, properties, rights, superintendence, force, effect, jurisdiction, authorities, pre-eminence, and advantages which belong to, and are used, enjoyed, and in any manner practised by the Courts of Queen's Bench, Common Pleas, Exchequer, Oyer and Terminer, and General Gaol Delivery in England; which said Court shall be held at Grand Turk by Her Majesty's Judge, appointed for the Turks and Caicos Islands for the time being four times annually, that is to say:—on the third Tuesday in February, the third Tuesday in May, the third Tuesday in August, and the third Tuesday in November, in each and every year: and that the said Supreme Court shall have and use, as occasion may require, a Seal bearing a device and impression of the "Royal Arms" within an exergue or label, surrounding the same with this inscription, "The Seal of the Supreme Court of the Turks and Caicos Islands," which said seal shall be delivered to and kept by the Prothonotary of the said Court; and the same powers and authorities are hereby given to the Judge aforesaid to all intents and purposes whatsoever, as are held, enjoyed, and exercised by the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer in England, and he is hereby authorized, empowered, and required, to take cognizance of, and hold all pleas, in all manner of causes, suits, and actions, whether civil or criminal, as fully and amply to all intents and purposes as the Judges of the said Courts of Queen's Bench, Common Pleas, and Exchequer, in England, can, may, or ought to do; and he is hereby empowered and required, from time to time to make all such general rules and orders for the effectual execution of this Ordinance and of the intention hereof, and for the practice of the said Court, as may be necessary and expedient for the better conducting the same: Provided, that such rules and orders are not repugnant to this Ordinance, and as nearly as conveniently may be made agreeably to the rules of practice now, or hereafter to be established in the Common Law Courts of Westminster Hall. Style and Title.

Its jurisdiction defined.

When to be holden.

Powers of the Judge.

II. That the process for the commencement of all personal actions shall be according to the form contained in the Schedule to this Ordinance annexed, and marked No. 1, and shall be called a writ Process for the commencement of actions.

H

No. 7.
Ord. No. 9,
1852.

of summons;* and such writ shall be issued by the officer of the said Court, by whom process hath been heretofore issued; and every such writ issued under the authority and by virtue of this Ordinance, shall be served at Grand Turk, by the Provost Marshal or his Deputy, and at any other island or district of the Presidency by the stipendiary or other constable of such island or district, who are hereby invested within their respective districts with the authority of Bailiffs, for the service and execution of all writs, or other process issuing out of the said Court, and every such writ or process, when served or executed, shall be indorsed by the Provost Marshal or his deputy, or the bailiff aforesaid, with the day of the month † upon which the same was so served or executed: Provided however that no writ or other process, except subpoena writs, shall be sent for service or execution to any such bailiff unless the Provost Marshal shall first certify thereon, in writing, that he has declined to serve or execute the same.

Amount of
claim and costs
to be indorsed
on every Sum-
mons or Capias.

III. That upon every writ of summons or capias, served for the recovery of any debt, the amount of the debt shall be stated, and the amount of what the plaintiff's attorney claims for the costs of such writ, or process, arrest, or copy and service, and attendance to receive debt and costs; and that upon payment thereof within four days to the plaintiff or his attorney, further proceedings will be stayed; but the defendant shall be at liberty, notwithstanding such payment, to have the costs taxed; and if more than one-sixth shall be disallowed, the plaintiff's attorney shall pay the costs of taxation.

Date and test
of writs.

IV. That, every writ issued by authority of this Ordinance, shall bear date on the day on which the same shall be issued, and shall be tested in the name of the Judge of the said Court, or, in case of a vacancy of such office, in the name of the person duly appointed to act in that capacity, be sealed with the seal of the said Court, and signed by the Prothonotary, and shall be indorsed with the name of the attorney in whose name such writ shall be taken out; but, in case no attorney shall be employed for that purpose, then with a memorandum expressing that the same has been sued out by the plaintiff in person, or by his duly authorized agent, or agents.

Non bailable
Process, how
served.

V. That, where no bail is required, or ordered, the defendant, or defendants, shall be personally served by the Provost Marshal, or other Officer, with a copy or copies of the writ, or process, issued against such defendant, or defendants, on which copy, or copies, there shall be indorsed in addition to the indorsements on the writ, a notice of the intent, or meaning, of such service, which notice shall be in the form contained in the Schedule aforesaid, marked No. 1.†

Mode of pro-
ceeding in
Joint Bonds
&c. one or
more of the
parties being
absent.

VI. Repealed by Ord. No. 9, 1855, sect. 9.

VII. And whereas, from the want of a process of outlawry, creditors may be put to great inconvenience in the recovery of joint debts due them by persons, some of whom reside within these islands, and some in other countries; Be it therefore ordained,

* The form of the writ is altered by Ord. No. 9 of 1855. See *post*, No. 9 of this Class.

† The day of the week must also be indorsed. See Common Law Procedure Act, 1852, sect. 15.

‡ So much of Sect. 5 is repealed by Ord. No. 9 of 1855, Sec. 9, as refers to the notice on the Writ. See *post*, this Class, No. 9.

No. 7.
Ord. No. 9,
1852.

that, in all actions, or suits, hereafter to be brought, sued, or prosecuted, in the aforesaid Court, upon any joint bond, obligation, promissory note, written acknowledgment, bill of exchange, or open account, in which any one, or more of the defendants, shall have been actually served with a writ or process whereby to compel his, her, or their appearance to such suit or action; and the Officer to whom such writ or process shall have been directed, shall return and certify that the other defendant, or defendants, therein named, is, or are, not resident within these islands, it shall and may be lawful for the plaintiff, or plaintiffs, to issue an alias writ, and the service of such alias upon any, or either, of the defendants, residents within these islands, as aforesaid, or if the Provost Marshal shall return that, such defendant, or defendants, are not to be found within his bailiwick, such service or return, shall be held good service upon such absent defendant or defendants; and that the plaintiff, or plaintiffs, may afterwards proceed either by default or otherwise, to judgment and execution, in such manner as if each of the defendants had been personally served with such writ or process.

VIII. And whereas, great injury may be done to creditors in consequence of their not being able to obtain judgments against persons who have resided within these islands and removed therefrom; Be it therefore ordained, That, from and after the passing of this Ordinance, the leaving a copy, or copies, of process issued out of the aforesaid Court, at the last place of abode, or residence, of any defendant or defendants who are now, or hereafter may be, resident in these islands, and may depart therefrom, and be absent twelve calendar months, shall be deemed good service, and as effectual in law as if such defendant, or defendants, had been personally served with the copy, or copies, of such process within these islands: Provided, that, the plaintiff or some other person, shall make affidavit on the return of the said process that the defendant, or defendants, had been, and then was, or were, absent from this Government at least twelve months previous to the issuing of the same; and that the cause of action arose to the plaintiff, or plaintiffs, previous to the departure of the said defendant, or defendants, from these islands.

Mode of proceeding against persons who are absent.

IX. That, it shall be lawful in term time for the Court out of which any writ issued by authority of this Ordinance, or any writ of "Capias ad satisfaciendum," "fieri facias," or "venditioni exponas" shall have issued, to make rules, and also for any Judge in vacation to make orders for the return of any such writ; and every such order shall be of the same force and effect as a rule of Court made for the like purpose: Provided always, that, no attachment shall issue for disobedience thereof until the same shall have been made a rule of Court.

Rules and Orders may be made for the return of Writs in vacation.

X. That, if a plaintiff in any action in the said Court in which the defendant is now liable to arrest,* (whether upon the order of a Judge or without such order,) shall by affidavit of himself, or of some other person, show to the satisfaction of the Judge of the said Court that such plaintiff has a cause of action against the defendant, or defendants, cognizable in the said Court, and, that there

Bailable process how obtained.

* The amount for which bail may be ordered is £10 and upwards, by Bahama Act, 8 Vic. c. 23, s. 4.

No. 7.
Ord. No. 9,
1852.



Proceedings
on bailable
Capias.

is probable cause for believing that the defendant, or any one or more of the defendants, is, or are, about to quit the Colony unless he or they be forthwith apprehended, it shall be lawful for such Judge by a special order to direct, that, such defendant, or defendants so about to quit the Colony, shall be held to bail for such sum as such Judge shall think fit, not exceeding the amount of debt, or probable damages, and, thereupon it shall be lawful for such plaintiff to sue out one, or more, writ, or writs, of Capias into one or more different islands, or districts, within the Colony, against any such defendant so directed to be held to bail, which writ, or writs, of Capias shall be in the form contained in the Schedule of this Ordinance annexed, marked No. 3, and shall bear date on the day on which the same shall be issued—and shall have indorsed thereon the amount for which the defendant, or defendants, is, or are to give bail: Provided however, that nothing in this section contained shall be construed in any way to affect or set aside the provisions of the 58th clause of the Ordinance of these islands No. 7 of 1849—to provide for the collection of the Revenue.

XI. That, the Provost Marshal, or other Officer, to whom any such writ of Capias shall be directed, shall immediately upon the receipt of such writ of Capias, proceed to arrest the defendant thereupon, and such defendant when so arrested, shall remain in custody until he shall have given a bail bond to the Provost Marshal according to the form contained in the Schedule to this Ordinance annexed marked No. 4, or shall have made deposit of the sum indorsed on such writ of Capias, together with Ten pounds for costs, according to the practice of the said Court, and all subsequent proceedings, as to the putting in and perfecting special bail, or of making deposit and payment of money into Court, instead of putting in and perfecting special bail, shall be according to the like practice of the said Court, or as near thereto as the circumstances of the case will admit: Provided, that, it shall not be lawful for the Provost Marshal, or other officer, to arrest a defendant under such writ of Capias, after the expiration of the Thirtieth day from the date thereof, counting the day of the date inclusive: Provided also, that it shall be lawful for the Judge as aforesaid, from time to time, by special order to authorize the issuing of alias writs of Capias, all which alias writs shall, and may be executed in the same and the like manner as original writs of Capias.

When it may
be served.

XII. That, any special order for the arrest of a defendant, or defendants, may be made, and the defendant arrested in pursuance thereof, at any time after the commencement of such action, and before final judgment shall have been obtained therein, and, that a defendant in custody upon any such arrest, and not previously served with a copy of the writ of summons, may be lawfully served therewith.

Order for arrest
may be dis-
charged.

XIII. That, it shall be lawful for any person arrested on any such writ of Capias, to apply at any time after such arrest, to the Judge of the said Court for an order or rule on the plaintiff in such action, to show cause why the person arrested should not be discharged out of custody, and that it shall be lawful for such Judge or Court to make absolute, or discharge such order or rule, and to direct the costs of the application to be paid by either party, or to make such other order therein as to such Judge shall seem fit.

XIV. That, the said Judge may appoint by commission, under the seal of the said Supreme Court, such persons as he may think fit, in any part of the Colony, the Island of Grand Turk excepted, to take the affidavit of any plaintiff or plaintiffs, in any action or actions to be commenced in the said Court, wherein the defendant or defendants may be held to bail; and also to take recognizances of bail in any action or suit depending in the said Court, which recognizances shall be of the like effect as if taken by, and acknowledged before the Judge of the said Court; and where bail put in before any of the said Commissioners shall be excepted to, such bail may be justified upon oath, or other bail may be added, or fresh bail may be put in before such Commissioner in like manner as the same might, or could be done before the said Judge, so as such bail be returned certified into the Prothonotary's office in due time.

XV. And whereas according to the present practice, no proceedings can be effectually had on any writ until the same has been returned on the Essoine or general return day next after the issuing the same, whereby an unnecessary delay is created, for remedy thereof, be it ordained, That, if any writ of summons or Capias issued by authority of this Ordinance shall be served on any day, whether in term or vacation, all necessary proceedings to judgment and execution may, except as hereinafter provided, be had thereon without delay, at the expiration of ten days* from the service or execution thereof on whatever day the last of such ten days may happen to fall, whether in term or vacation: Provided always, that, if the last of such ten days shall in any case happen to fall on a Sunday, Christmas-day, or any day appointed for a public fast or thanksgiving, in either of such cases the following day shall be considered as the last of such ten days.

XVI. That, all such proceedings as are mentioned in any notice or warning under this Ordinance, shall and may be had and taken in default of a defendant's appearance.

XVII. This clause repealed by Ord. No. 9 of 1855, sect. 9.

XVIII. That, in all actions wherein a writ of Capias has been awarded under the authority of this Ordinance, and the defendant has been arrested by virtue thereof, and is in prison under such arrest, or has put in and perfected special bail, or has made deposit in lieu of such bail, it shall be lawful for any such defendant to rule the plaintiff to file his declaration and bill of particulars, or his declaration alone, as the case may be, within ten days after the service of such rule, the day of such service to be reckoned inclusive, which rule shall be granted as of right, whether in Term time, or vacation—and if such plaintiff shall not file his declaration, and bill of particulars, or his declaration alone, as the case may be, and deliver copies, or a copy thereof, to the defendant within the time limited; the Judge of the said Court, shall upon application made by, or on behalf of such defendant grant a rule, or order, calling on the plaintiff to show cause why the defendant should not be discharged out of custody, or an exonatur entered on the special bail piece, or the deposit returned, as the case may be, and unless on the hearing of such rule, such plaintiff shall show to the satisfaction of such Judge, that the neglect in filing such declaration, and bill of

No. 7.
Ord. No. 9,
1852.

Judge may appoint Commissioners to hold to bail.

Proceedings may commence after ten days' service of summons.



Default of Appearance.

Declaration to be filed ten days after an appearance entered.

* Now altered to eight days as regards writs of summons. See note to sect. 2, *ante*.

No. 7.
Ord. No. 9,
1852.

Trial of action
not to be post-
poned beyond
one Term.

Proviso.

Summary ju-
risdiction
granted to the
Judge in cases
wherein the
debt or damages
claimed shall
be above £5
and not exceed-
ing £10.

Judge to make
rules and or-
ders for pro-
ceedings in
summary cases.

The Judge
may issue
Commission to
examine
Witnesses.

particulars, or declaration alone, as the case may be, and delivering copies, or a copy thereof, was caused by circumstances over which the plaintiff, or his attorney, has no control, or that, the proceedings on the part of the defendant are irregular, such rule shall be forthwith made absolute, and the action shall then, and in such case be further proceeded in, as if the same had originally been commenced by writ of summons.

XIX. That, on every action wherein a declaration has been filed and delivered under the provision of the preceding section, it shall be lawful for the defendant, should he think proper so to do, to plead to such action without waiting for the delivery to him of a rule to plead, and thereupon to rule the plaintiff to reply to, or join issue on, such pleading, as the case may be, and in every such case the plaintiff shall not be allowed to postpone the trial of such action beyond the first Term at which it shall be at issue, unless on good and sufficient cause shown, and leave for that purpose obtained from the Court, on pain of having judgment, as in case of nonsuit, entered up against him on the adjudgment day of such term: Provided always, that, nothing in this Ordinance contained, shall be construed or extend to take away from a defendant any privilege to which, by the practice of the said Court, he at the time of the passing of this Ordinance may be entitled.

XX. That, the said Court shall have summary jurisdiction in all personal actions, wherein the debt, or damages, claimed shall exceed the sum of Five pounds sterling: Provided always, that, all actions of debt, "indebitatus assumpsit," wherein the debt or sum of money claimed shall not exceed Ten pounds, shall be adjudicated on, and finally determined by the Judge of the said Court, without the intervention of a jury: Provided also, that, all such actions as last aforesaid, as also in all actions of debt, or "indebitatus assumpsit," wherein the debt, or sum of money recovered or paid into Court, and accepted by the plaintiff in satisfaction of his demand, or agreed to be paid on the settlement of the action, shall not exceed the sum of Twenty pounds, costs shall be allowed and taxed on a scale at the rate of only one-fourth part of the fees enumerated in the Schedule of Fees hereunto annexed, marked No. 5.

XXI. That, it shall be lawful for the presiding Judge of the said Court, from time to time, to make and establish rules, regulations, and orders regulating the mode of proceeding in all such actions of debt, and "indebitatus assumpsit," as aforesaid, and by such rules, regulations, and orders, to dispense with such written pleadings, in such actions as such Judge may think proper to dispense with, as also to vary the practice in such actions, from the practice in other actions, in the said Court, as to such Judge may seem fit and right.

XXII. That, the Judge of the said Court be, and he is hereby authorized and empowered, in all cases whatever, depending or to be brought in the said Court, where he shall think proper, to grant a commission "de bene esse," at the instance either of plaintiff or defendant, and to cause such commission to be directed to such person or persons as he shall think fit, resident within any part of Her Majesty's dominions, or in foreign parts; and, also (if the plaintiff and defendant shall consent thereto), in any island within this Government; and that the examination of any witness, or witnesses, taken under such commission shall, in all cases, be as valid and effectual in the law, as if the person so examined had

appeared upon the trial, and had sworn, or affirmed, to the matters therein contained, "viva voce," in Court.

XXIII. That, it shall and may be lawful for the Judge of the said Court, to take the examination, upon oath, of any person going off these islands, (or if such person be of the description of the persons called Quakers, then upon his or her affirmation,) who shall be brought before him as a witness in any suit, or action depending, or to be brought, in the said Supreme Court: Provided always, that, affidavit first be made before the said Judge, (the plaintiff's declaration being then actually filed, and which it is declared hereby lawful for him to file, at any time, after service of the writ or process, though before its return,) that, the person, so to be examined, is a material witness on the behalf and part of the party desirous of having him or her examined; and that such person as the party applying has been informed, and verily believes, about to depart from these islands: and, Provided also, that, the person so to be examined, be duly served with a subpoena to attend such Judge, at a time and place therein appointed, for the purpose of being examined; and, that, at least four-and-twenty hours' notice of such examination be given, in writing to the adverse party, or his attorney, which examination, on proof made at the trial of the said cause, that such person is then dead, or gone off these islands, shall, in every such suit or action, be of the same force and effect, as if the person so examined, had appeared upon the trial, and had sworn or affirmed, to the matters therein contained, "viva voce," in open Court.

XXIV. That, all exemplifications of records, and all deeds and bonds, or other specialties, all letters of attorney, procurations, or other powers in writing, and all testimonials which shall, at any time hereafter, be produced in the said Court, and shall be attested to have been proved upon oath, under the Corporation Seal of the Lord Mayor of London, or of any other Mayor, or chief officer, of any city, borough, or town corporate, in Her Majesty's dominions, or under the hand and seal of the Mayor, or other chief officer, or notary public, in any city, or town, in the United States of America, or under the hand of the Governor and Public Seal of any of Her Majesty's colonies, or possessions, shall be deemed and adjudged, good and sufficient in law, in the aforesaid Court, as if the witnesses to such deeds were produced and proved the same "viva voce."

XXV. That, if any person or persons shall, wilfully, and corruptly, give any false evidence, upon any examination or examinations as aforesaid, every person so offending shall be deemed and taken to be guilty of perjury, and shall and may be, 'proceeded against by information, and prosecuted for such offence, any law, usage, or custom, to the contrary notwithstanding.

XXVI. That every witness appearing before the said Court, on recognizance, or in obedience to any writ of subpoena, issued by any Crown officer, to give evidence against any person or persons charged with any criminal offence, shall, if he or she be a resident of any out island of this Government, be entitled to a reasonable sum of money to pay his or her passage, to and from the island of Grand Turk, together with an allowance of two shillings per day, while absent from his or her place of residence, on the business of such prosecution, or if he be a mariner, or about to leave these islands, and shall satisfy the Judge, that he has been detained in conse-

No. 7.
Ord. No. 9,
1852.

Examination of
Witnesses about
to depart from
the Colony.

Certain writings
shall be ad-
mitted in
evidence.

Such evidence
given falsely to
be deemed as
perjury.

Expenses of
Witnesses on
the part of the
Crown allowed.

No. 7.
Ord. No. 9,
1852.

To be paid by
Warrant.

Charges for con-
veyance of
Prisoners.

How provided
for.

Submission of
suits to ar-
bitration.

Proceedings on
Interlocutory
Judgment.

Judgment may
be entered up

quence of such subpoena, such witness shall be entitled to a similar allowance per day while so detained: Provided always, that, such allowance shall only be paid on the certificate of the Judge, or presiding Judge of any such Court, and of the Queen's Advocate, or other proper officer, prosecuting on behalf the Crown.

XXVII. That, it shall be lawful for the President, or Officer administering the Government, for the time being, and he is hereby requested, upon the production to him, of any such joint certificate as aforesaid, to grant his warrant, authorizing the payment out of the Public Treasury, of the amount certified for.

XXVIII. That, it shall be lawful for the President, or other Officer administering the Government, from time to time, to grant warrants upon the Public Treasury, for the payment of the expenses of the description hereinafter enumerated, upon being satisfied that the services charged for, were not only actually performed, and the charges therefor fair and reasonable, but that such services were necessary for the due and proper administration of justice; that is to say, for the conveyance of prisoners charged with, or convicted of, any criminal offence from one island to another, or from one settlement to another in the same island;—for the payment of witnesses proceeding by order of a Magistrate, from one island to another, or from one settlement to another, in the same island, to give evidence in any criminal case, summarily adjudicated on by Magistrates, or in the preliminary investigation of any criminal charges, at, and after the rate of one shilling and sixpence per day; for the payment of constables proceeding from one island to another, or from one settlement to another in the same island, in charge of any person or persons accused of a criminal offence, or to enforce the attendance of witnesses, or defendants, in criminal cases, at and after the rate of one shilling and sixpence per day, and also for the expenses attending the conveyance of the said witnesses, and constables, as, also, of any person or persons in the custody of the latter, from their ordinary place of abode to the place where the trial or investigation may take place.

XXIX. That, if the parties in any suit, that shall be depending in the aforesaid Supreme Court, shall agree to refer the matters in dispute to arbitration, that then and in that case, the award of three persons, one whereof to be chosen by the plaintiff or plaintiffs, one other by the defendant or defendants, and the third to be nominated by the Court, shall be deemed equal to, and shall have the force and effect of, the verdict of a jury; and it shall, and may be lawful, for the Judge of the said Court, to give judgment, and execution may issue thereupon in like manner as if such cause had actually been tried before the Judge of the said Court.

XXX. That when in any action or actions in the said Court, judgment by default shall be entered for want of appearance, pleas, issue, or other pleadings, of the defendant, or defendants, if such judgment shall be interlocutory, an inquiry, or inquisition, of damages without any especial writ therefor, shall be made, taken, and executed in open Court (due notice thereof having been first given), by the oaths of the jury drawn and empanelled for the trial of issues in the said Court; and after verdict, judgment shall be entered up in the same manner, as judgment after verdict, on an issue tried.

XXXI. That, at any time after the expiration of eight days next

after the trial of the last cause in each term, judgment may be entered up upon the several verdicts therein found and obtained, and execution be thereupon issued, unless either of the parties shall have obtained a rule for a new trial, or judgment shall be otherwise stayed or delayed.

XXXII. That, when the issues, inquests, and matters of fact, depending in the said Court, shall be tried, or continued over to the succeeding term, (which continuance of all issues, inquests, and other matters undetermined, shall be of course without any motion or order therefor,) and the respective juries shall be discharged, it shall and may be lawful to adjourn the Court for a space of time not exceeding eight days; and at the day of such adjournment, if need be, the said Judge shall meet and hold the said Court, and thereat sit from day to day, if to him it may seem expedient, for the hearing and determining matters of law, and such other business as may be brought before him, and may be transacted at such adjourned Courts.

XXXIII. That, in all actions to be brought in the said Court, after the commencement of this Ordinance, wherein the defendant shall be arrested and held to bail, and wherein the plaintiff shall not recover the amount of the sum for which the defendant in such action shall have been so arrested and held to bail, such defendant shall be entitled to costs of suit, to be taxed according to the practice of the said Court: Provided, that, it should be made to appear to the satisfaction of the Court, motion to be made in Court for that purpose, and upon hearing the parties by affidavit, that, the plaintiff in such action had not any reasonable or probable cause for causing the defendant to be arrested and held to special bail, in such amount as aforesaid, and provided such Court shall thereupon, by a rule, or order of the said Court direct that such costs be allowed to the defendant; the plaintiff shall upon such rule or order being made, as aforesaid, be disabled from taking out any execution for the sum recovered in any such action, unless the same shall exceed the amount of the taxed costs of the defendant in such action, and in case the sum, in any such action, shall be less than the amount of the costs of the defendant, to be taxed as aforesaid, that, then the defendant shall be entitled, after deducting the sum of money recovered by the plaintiff in such action, from the amount of his or their costs, so to be taxed as aforesaid, to take out execution, for such costs, in like manner as a defendant, or defendants, may now, by law, have execution for costs in other cases.

XXXIV. That there shall be allowed, as heretofore, interest, at and after the rate of six pounds, for each hundred pounds, by the year, upon all judgments entered up in the said Court, from and after the day on which such judgment shall be actually signed; and, that the Provost Marshal of the said islands, under any execution issued from the aforesaid Supreme Court, shall and lawfully may levy, take, and receive (besides the debt or damages and costs), the interest hereby given, and the costs and charges of the renewal, or renewals, of execution, any law, usage, or custom, to the contrary notwithstanding.

XXXV. That, all writs of execution may be tested on the day on which the same are issued, and be made returnable immediately, after the execution thereof, whether in Term or vacation.

No. 7.
Ord. No. 9,
1852.

eight days after
trial.

Adjournment of
the Court.

Costs allowed
Defendant in
certain cases.

Interests on
Judgments.

Writs of Exe-
cution when
tested and
returnable.

No. 7.
Ord. No. 9,
1852.

When real Estate may be taken in Execution.

XXXVI. That, where executions shall hereafter be issued against the goods, and chattels, lands, and tenements, of any defendant or defendants, if such defendant shall have goods and chattels which may be come at, and levied upon, sufficient to satisfy such debt, damage, and costs recovered, the lands and tenements of the said defendant, or defendants, shall not be levied upon; and, where there shall not be goods and chattels sufficient to satisfy such debt, damages, and costs, and the lands, and tenements, and real estate shall be taken in execution, the Provost Marshal shall not proceed to the sale of any such lands, or tenements, until he shall have given public notice in some newspaper of the colony, wherein the Government notices are by authority inserted (in which he shall describe the said lands or tenements, for the space of at least three calendar months after levy made), unless such period be lessened by desire of the defendant or defendants, signified to him in writing for that purpose.

Money and Securities may be taken in execution.

XXXVII. That, by virtue of any writ of *fiery facias* to be sued out of the aforesaid Supreme Court, after the commencement of this Ordinance, the Provost Marshal, or other officer having the execution thereof, may and shall seize, and take any money, and any cheque, bills of exchange, promissory notes, bonds, specialties, or other securities, for money belonging to the person against whose effects such writ of *fiery facias* shall be sued out, and may and shall pay to the party suing out such execution, any money which shall be so seized, or a sufficient part thereof, and may, and shall hold any cheques, bills of exchange, promissory notes, bonds, specialties, or other securities for money, as a security, or securities, for the amount by such writ of *fiery facias* directed to be levied and raised, and may sue in the name of such Provost Marshal, or other officer, for the recovery of the sum, or sums, secured thereby, if and when the time of payment thereof shall have arrived; and, that the payment to such Provost Marshal, or other officer, by the party liable on any such cheque, bill of exchange, promissory note, bond, specialty, or other security, with or without suit, or the recovery and levying execution against the party so liable, shall discharge such party to the extent of such payment, or, of such recovery and levy in execution, as the case may be, from his liability on any such cheque, bill of exchange, promissory note, bond, specialty, or other security, and such Provost Marshal, or other officer, may, and shall, pay over to the party suing out such writ, the money so recovered, or such part thereof as shall be sufficient to discharge the amount by such writ directed to be levied; and, if, after satisfaction of the amount so to be levied, together with Marshal's poundage and expenses, any surplus shall remain in the hands of the Provost Marshal, or other officer, the same shall be paid to the party against whom such writ shall be so issued: Provided, that no such Provost Marshal, or other officer, shall be bound to sue any party, liable upon any such cheque, bill of exchange, promissory note, bond, specialty, or other security, unless the party suing out such execution shall enter into a bond, with two sufficient sureties, for indemnifying him from all costs and expenses to be incurred in the prosecution of such action, or to which he may become liable in consequence thereof, the expense of such bond to be deducted out of any money to be recovered in any such action.

Moneys in the

XXXVIII. That, if any person against whom any judgment, or

judgments, shall have been entered up in the aforesaid Court, shall have any moneys deposited in the Public Treasury, or in the Public Bank, on interest, or otherwise standing in his name, in his own right, or in the name of any person in trust for him, or shall be entitled to receive any annual or other allowance, payable out of the said Public Treasury, it shall be lawful for the Judge of the Court, on the application of any judgment creditor, to order that such moneys, or such annual or other allowance, or such part thereof as such Judge shall think fit, shall stand charged with the judgment debts of the said person; and such order shall entitle the judgment creditor, or creditors, to all such remedies as they, or he, would have been entitled to, if such charge had been made in their or his favour, by the judgment debtor.

XXXIX. And in order to prevent any person against whom judgment shall have been obtained from transferring, receiving, or disposing, of any moneys, or allowances hereby authorized to be charged for the benefit of the judgment creditors, or creditor, under an order of a Judge, be it further ordained, That, every order of a Judge, charging any such moneys, or allowances, under this Ordinance, shall be made, in the first instance, ex parte, and, without any notice to the judgment debtor, and shall be an order to show cause only, and such order shall restrain the receiver-general and treasurer, or cashier of the bank, or other proper officer, as the case may be, from passing any such moneys, or any interest due thereon, or any such allowance, to such judgment creditor, or any one claiming under any such judgment creditor, in the mean time, and until such order shall be made absolute, or discharged; and that, if after notice of such order, such receiver-general and treasurer, or cashier, or other officer, as aforesaid, shall make any such payment, then, and in such case, such receiver-general, and treasurer, or cashier, or other officer, as the case may be, shall be liable to the judgment creditors or creditor, for the value or amount so charged, and so paid, or such part thereof, as may be sufficient to satisfy the judgment or judgments in respect of which such charge was made; and that no disposition of the judgment debtor, in the mean time, shall be effectual as against the judgment creditor, or creditors;—and further, that, unless the judgment debtor shall, within a time to be mentioned in such order, show to the Court in which such judgment or judgments have been recovered, sufficient cause to the contrary, the said order shall, after proof of notice thereof to the judgment debtor, his attorney or agent, be made absolute: Provided, that, such Court upon the application of the judgment debtor, or any person interested, shall have full power to discharge, or vary such order, and to award such costs, upon such application, as may be thought fit.

XL. That all decrees and orders of the Court of Chancery, Ordinary, and Vice-Admiralty, and all rules and orders of the said Supreme Court, whereby any sum of money or any costs, charges, or expenses, shall be payable to any person, shall have the effect of judgment, in the said Supreme Court, and the person to whom any such moneys, or costs, charges or expenses, shall be payable, shall be deemed judgment creditors, within the meaning of this Ordinance, and all powers hereby given to the Judge of the said Supreme Court, with respect to matters depending in the same Court, shall and may be exercised by the Judges of the said Courts

No. 7.
Ord. No. 9,
1852.

Public Treasury available for Judgment Debts.

Effect of the Judge's order for that purpose.

Decrees of Courts of Chancery, &c. &c. available for same purpose.

No. 7.
Ord. No. 9,
1852.

Estates not by
descent of
devise, within
twelve months,
not liable to
Dower.

Judge may is-
sue Search
Warrant to
discover
property.

Execution in
cases of sen-
tences of death.

Absence of the
Judge from
illness or
otherwise,
how provided
for.

of Chancery, Ordinary, and Vice-Admiralty, with respect to matters there depending; and all remedies hereby given to judgment creditors are, in like manner, given to persons to whom any moneys, costs, charges, or expenses are, by such decrees, orders, or rules, respectively, directed to be paid.

XLII. And whereas by the laws now in force within these islands, the real estate of a judgment debtor, is liable to be levied on, and sold in satisfaction of any judgment debt, but notwithstanding such levy and sale, such lands are frequently subject to claims of dower, which operate prejudicially to the interest of creditors; for remedy whereof, be it ordained, That, whenever any real estate has been acquired by a judgment debtor, otherwise than by descent, or devise, within twelve calendar months, next preceding the day on which a judgment shall have been entered up against him, or having been acquired otherwise than as aforesaid, previous to such period, he shall, within such period, have expended and laid out Five hundred pounds, or upwards, in erecting buildings on, or otherwise improving such real estate, then, and in such case, all such real estate shall be liable to be levied on, and sold under such judgment, free and clear of all claims of the wife of such debtor for dower therein.

XLIII. That, in all cases where it shall be made to appear to the satisfaction of the said Court, or of the Judge thereof, that, there is reason to suspect and believe that property of any judgment debtor is concealed in any house, premises, or other places, not belonging to such debtor; such Court, or Judge, is hereby directed, and authorized, to grant a search warrant to the Provost Marshal, or other proper officer, to execute such warrant, according to the tenor thereof, and such marshal, or other officer, shall be entitled to the same protection, as is allowed by law, in execution of a search warrant for property reputed to be stolen or concealed.

XLIV. That, whenever any person or persons shall be convicted of any offence, punishable with death, and sentence of execution shall be accordingly pronounced upon him, her, or them, it shall be the duty of the Provost Marshal, upon receiving the warrant of execution from the Judge of the said Court, to make and do execution upon him, her, or them, so sentenced, as aforesaid, on the day, and place mentioned in the said warrant of execution: Provided, however, that no such sentence of death shall be carried into execution, until the said Judge shall have made a report, in writing, of such sentence, or judgment, stating the nature of the offence, and the substance of the evidence given on the trial, to be laid before the President, or Officer administering the Government, and the Executive Council of these islands; and, until notification shall have been given and received, from His Excellency, the Captain-General, and Governor-in-Chief, in and over the island of Jamaica, that the Royal prerogative of pardoning offences, will not be interposed.

XLV. That, if at any time the Judge of the said Supreme Court, in consequence of incapacity by illness, or unavoidable absence, or other just cause, be unable to attend, or preside at the said Court upon the particular day on which the same is appointed to be holden, as aforesaid; it shall and may be lawful for the Prothonotary and Clerk of the Crown, to adjourn the said Court for any time not exceeding seven days: Provided, always, that in any of the cases above set out, it shall be lawful for the President, or

other Officer administering the Government, by commission under the great seal of the Colony, to appoint a fit and proper person to act as Judge of the said Court, during the absence, or incapacity, as aforesaid, of the said Judge, and the person so appointed, shall, for the time being, be invested with, and exercise all and singular, the powers, jurisdictions, and authorities, which, by law, are vested in and can be exercised by, the Judge of the said Court.*

No. 7.
Ord. No. 9,
1852.

XLV. That, whenever the Judge for the time being, shall certify to the President, or Officer administering the Government, for the time being, that, there is pending in the said Supreme Court, and then ready for trial, or hearing, any action, suit, or other proceeding, either civil or criminal, in the event or decision of which such Judge is personally interested, either as a party thereto, or indirectly, to such an extent, as in the opinion of such Judge, incapacitates him from sitting as Judge at the trial, or, hearing of such action, suit, or other proceeding, then, in every such case, it shall be lawful for the President, or Officer administering the Government, as aforesaid, to issue a commission under the great seal of the Colony, appointing a fit and proper person to act as Judge, at the trial or hearing of such action, suit, or other proceeding, and, the person so appointed shall as far as relates to such particular action, or other proceeding, be vested with all and singular the powers and authorities by law vested in the Judge for the time being: Provided, always, that, the issuing of any such commission shall in no way interfere with the powers and authorities of the said Judge, except so far as relates to the particular action, suit, or proceeding, mentioned and referred to in the commission of such acting Judge, but such Judge shall continue to exercise all and singular the general powers and authorities of his office, the issuing and continuing in force of such special commission, to the contrary notwithstanding.

Cases wherein the Judge is personally interested provided for.

XLVI. That, whenever the Queen's Advocate, or other first law officer of the Crown, shall be absent from the Colony, or the said Court, by reason of sickness or otherwise, it shall be lawful for the Clerk of the Crown, or some duly qualified Counsel, authorized by the said Queen's Advocate, or other first law officer of the Crown, in that behalf, to conduct all pleas of the Crown, and enrol the judgments thereon.†

Absence of Queen's Advocate provided for.

XLVII. That, upon the death, resignation, or other removal from office, of the present Judge of the said Court, of the Provost Marshal, or Prothonotary and Clerk of the Crown of these islands, and afterwards from time to time as vacancies may occur in any of the said offices, it shall be lawful for the President, or other Officer administering the Government, to appoint a fit and proper person to officiate as such Judge, until Her Majesty's Royal will and pleasure shall be made known thereon, and the person so appointed, shall, during the time he shall act as such Judge, be invested with the same and like powers and authorities as if he had been appointed by Her Majesty; and also to nominate and appoint, by commission under his hand and seal, upon either of the above events, persons to fill the said offices of Provost Marshal, and Prothonotary, and Clerk the Crown, respectively:‡ Provided, always, that, nothing herein

Death or removal from office of the Judge, Provost Marshal, or Clerk of the Crown provided for.

* See this clause explained, Ord. No. 3 of 1859, *post*, No. 11 of this class.

† See Ord. No. 3 of 1859, sec. 2.

‡ See Ord. No. 3 of 1859, sec. 3, *post*, No. 11, of this class.

No. 7.
Ord. No. 9,
1852.

Renunciation
of Dower to be
entered of
record.

Judge to ap-
point Com-
missioners to
take renuncia-
tions of Dower.

The Colonial
Secretary
authorized to
take renuncia-
tion of Dower
by the Wife of
the Judge.

Fees of Court.

contained shall be construed to lessen or take away, or, in any manner to alter the duties and liabilities of the said Provost Marshal; and he, and every other to be hereafter appointed, is hereby declared to be subject and liable to all the duties and liabilities which were required of, and imposed upon, the Provost Marshal before the passing of this Ordinance, excepting where the said duties are in any wise altered or varied by this Ordinance.

XLVIII. That, all renunciations of married women of their right of dower, in any lands within this Government, hereafter to be taken and received by any Judge of the said Court, shall be entered of record in the office of the Prothonotary of the said Court, and in the office of the Colonial Secretary, and that such renunciations when so entered of record, and also, all renunciations of dower at any time heretofore made by any married woman, before any Justice of the said Court, or any Commissioner, or, Commissioners by him appointed, whether the same have been so entered of record or not, shall be deemed and taken, effectually, to exclude and debar such married women from all right and title to the dower of, in, and to, the lands, tenements, hereditaments, and premises, mentioned and contained in such renunciations, or, in any deed or deeds therein referred to, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

XLIX. That the Judge of the said Court be, and he is hereby authorized and empowered, from time to time, to appoint by commission under the seal of the aforesaid Court, such person or persons as he shall think fit and proper, in any of the out islands of this Government, or in any part of the United Kingdom of Great Britain and Ireland, or other Her Majesty's dominions, or in foreign parts beyond the seas, to take the private renunciations and acknowledgments of married women, who have been, or shall be, parties to any deed or deeds affecting lands within this Government, and to receive their renunciations of their rights of dower in such lands; which acknowledgments and renunciations, after the same shall have been entered of record in the office of the Prothonotary of the aforesaid Court and in the Colonial Secretary's office, shall be deemed and taken to be, and are hereby declared to be, as good and valid, to all intents and purposes whatsoever, and shall as effectually debar and exclude such married women from all right or title to dower, in such lands, as if such renunciations had been taken in the said Court by the Judge thereof.

L. That in case the wife of the Judge, or acting Judge, as aforesaid, may be desirous of renouncing her right to dower, it shall be lawful for the Public Secretary of this colony to take, receive, and certify such renunciation of dower, in the same manner and in the same form, as is done in other cases by the Judge of the Court; and, every such renunciation of dower, so taken and certified by the Public Secretary, shall, after being entered of record in the office of the Prothonotary of the said Court, as effectually exclude, and debar, such wife of such Judge, or acting Judge, or other person, as aforesaid, from all right and title to dower in the lands, and hereditaments, to which it may refer, as if it had been taken and certified by a Judge in the usual manner as authorized by law.

LI. That, from and after the passing of this Ordinance the fees

hereinafter specified, and fixed, and contained in the Schedule of this Ordinance annexed and marked No. 3, and none other shall be allowed, taken, and received by the officers of the said Court, provided, that, in all cases where parties to any suit or action may prosecute or defend the same in person, money necessarily expended in the course of such suit or action, may also be taxed as costs in the cause.

No. 7.
Ord. No. 9,
1852.

LII. That, this Ordinance shall commence and take effect, on the first day of the Term next after public notification shall be given, in this Colony, of the allowance thereof.

Commence-
ment of Or-
dinance.

LIII. And whereas there are at present no attorneys of the said Court, and it is necessary to define who may be considered as such; Be it further ordained, That, no person shall be considered as an Attorney of the said Court, or entitled to practise therein, or to receive the fees before mentioned, except such person has been called to the bar, either in Great Britain or Ireland, or has been admitted as an attorney in the Court of Queen's Bench, or Common Pleas, in England or Ireland, or has been duly admitted to practise in the Courts of Scotland, or has been bound by contract to serve, and shall have actually served, as clerk for the space of five years, a barrister or attorney, as aforesaid, or an attorney of this Court regularly admitted, residing within these Islands, and practising as such; Provided, that, such Clerk upon satisfying the Judge of the said Court, of such service and of his fitness and qualification, shall receive from him a licence to act as an Attorney, which licence recorded in the office of the Prothonotary of the said Court, shall constitute the person named therein an attorney of the said Court: Provided, always, that, nothing herein contained, shall be construed to apply to any Queen's Advocate, or other officer of the Crown, so far as relates to any suit or action in which the Crown may be concerned.

Who allowed
to practise as
Attorney of the
Court.

LIV. That, from and after the time this Ordinance shall commence and take effect, the following Acts and parts of Acts, shall be and the same are hereby repealed—that is to say, all that Act of the General Assembly of the Bahama Islands, passed in the second year of Her Majesty's reign, chapter eight,—the Act of the third year of Her Majesty's reign, chapter thirty-two,—the Act of the fourth year of Her Majesty's reign, chapter nine,—the Act of the eighth year of Her Majesty's reign, chapter nine,—the Act of the eighth year of Her Majesty's reign, chapter twenty-three,—“for abolishing arrest on mesne process, in civil cases, except in certain instances, and for extending the remedies of creditors against the property of debtors,”—the tenth section of the Act of the tenth year of Her Majesty's reign, chapter twenty.

Acts repealed.

No. 3.

WRIT OF CAPIAS.

Victoria, &c., &c.

To the Provost Marshal of the Turks and Caicos Islands, or to the stipendiary or other constable of (as the case may be),
Greeting:—

We command you that you omit not by reason of any liberty in your district, but, that you enter the same and take C. D. of the parish of , Gentleman, if he shall be found in your dis-

No. 7.
Ord. No. 9,
1852.

strict, and him safely keep until he shall have given you bail, or made deposit with you according to law in an action on promises (or of debt, &c., as the case may be), at the suit of A. B., or until the said C. D. shall by other lawful means be discharged from your custody, and we do further command you, that, on execution hereof, you do deliver a copy hereof to the said C. D., and we hereby require the said C. D. to take notice, that, within ten days after execution hereof on him, inclusive of the day of such execution, he should cause special bail to be put in for him, in our Supreme Court, to the said action; and that, in default of so doing, such proceedings may be had and taken as are mentioned in the warning written or indorsed hereon, and we do further command you that, immediately after the execution hereof, you do return this writ to the office of our Prothonotary at Grand Turk, together with the manner in which you shall have executed the same, and the day of execution hereof, or if the same shall remain unexecuted, then, that you do so return the same at the expiration of the thirtieth day from the date hereof, or sooner if you shall be thereto required by order of the said Court, or by the Judge thereof.

Witness, the Honourable E. F., Judge of our Supreme Court
at Grand Turk, the day of A.D. 18 ,
and in the year of our reign the

MEMORANDUM TO BE SUBSCRIBED TO THE WRIT.

This writ is to be executed within thirty days from the date thereof, including the day of such date, and not afterwards.

A WARNING TO THE DEFENDANT.

If, a defendant having given bail on the arrest, shall omit to put in special bail as required, the plaintiff may proceed against the Provost Marshal, or on the bail bond.

INDORSEMENT TO BE MADE ON THE WRIT.

Bail for pounds by order of (*naming the Judge making the order*), dated this day of 18 .
This writ was issued by G. H. of , Attorney for
the plaintiff, or plaintiffs, within named; or
This writ was issued, in person, by the plaintiff within named.*

No. 4.

BAIL BOND.

Know all men by these presents, that we, C. D. (*the defendant, arrested*), of , E. F. of ,
and G. H. of , are held and firmly bound to
I. J., Esquire, Provost Marshal of the Turks and Caicos Islands, in
the sum of (*double the sum endorsed on the writ*),
of lawful money of these islands, to be paid to the said Provost Marshal or his certain attorney, executors, administrators, or assigns, for which payment, well and truly to be made, we bind ourselves,

* See Sec. 3, as to other Indorsements.

and each of us for himself, in the whole, one and every of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, dated the day of , in the year of our Lord one thousand eight hundred and

No. 7.
Ord. No. 9,
1852.

Whereas the above bounden C. D. was on the day of , taken by the said Provost Marshal, by virtue of the Queen's writ of *capias*, issued out of Her Majesty's Supreme Court at Grand Turk, bearing date the day of , to the said Provost Marshal directed, and delivered against the said C. D., in an action on promises (or of *debt*, and as in the writ) at the suit of A. B.—and whereas a copy of the said writ, together with every memorandum or notice subscribed thereto, and all indorsements thereon, was, on the execution thereof, delivered to the said C. D.; and whereas he is, by the said writ, required to cause special bail to be put in for him, in the said Court, to the said action, within ten days after execution thereof on him, inclusive of the day of such execution; now, the condition of this obligation is such, that if the said C. D. do cause special bail to be put in for him to the said action in Her Majesty's said Court, as required by the said writ, then this present obligation to be void and of no force; otherwise to stand and remain in full force, vigour, and effect.

Sealed and delivered in
the presence of
C. D., E. F. }

No. 5.

FEES OF THE JUDGE.

		<i>s.</i>	<i>d.</i>
For every writ of <i>Habeas Corpus</i>		2	6
do other writ or process, judicial or mesne, and every			
other writ or process whatsoever		1	10
do summons at Chambers		1	0
do rule at Chambers		2	0
do order or rule of Court		0	6
do recognizances taken before him in a civil or criminal			
case		3	0
do warrant by him		3	0
do mittimus by him		1	6
do affidavit taken in writing before him		1	6
do administering an oath in Court or at Chambers ..		0	6
do deposition taken before him, to send out of the			
Government		1	0
do Exemplification under the seal of the Court, and			
signing testimonial thereof		5	0
do taking acknowledgment of satisfaction		1	2
do taxing bill of costs in civil or criminal case ..		2	0
do drawing a special jury		4	6
do admission of an attorney		20	0
do judgment confessed out of Court		4	6
do taking the examination of a "femme couvert," and			
signing the testimonial thereof		6	0
do cross-examination of any witness out of Court ..		3	0
do attachment for contempt		5	0

		s.	d.
No. 7. Ord. No. 9, 1852.	For every judgment in a civil or criminal case	1	0
	do motion in arrest of judgment, or demurrer in law or special verdict, or for a new trial	1	0
	For hearing every such motion	4	6
	„ the examination of a person committed for contempt ..	6	0
	„ the admission of a guardian to prosecute or defend a cause for a person under age	1	0
	„ receiving a private verdict	6	0
	„ allowance of Writ of Error	2	6
	„ returning a Writ of Error	2	6
	„ a trial of any cause on Writ of Inquiry	2	6
	„ discontinuing an action	0	6
	„ prohibition granted	4	6
	„ a “Dedimus potestatem”	5	0
	„ making a roll that writ of error is allowed	0	6
	„ transcript of the record examined by the Judge to be annexed to writ of error	3	0
	„ return of “Certiorari” in a civil or criminal case ..	2	0
	„ allowance for every appeal to the Supreme Court from an order or adjudication of any Justice or Justices of the Peace or Inferior Courts	2	6
	„ renewing every execution against defaulting jurors ..	1	0

FEES OF THE PROTHONOTARY OF THE SUPREME
COURT.

For every affidavit taken in writing before the Judge or the Prothonotary, and affiling	1	0
„ every writ	0	9
„ do seal	0	9
„ proving the service of every writ	0	3
„ entering an appearance	0	6
„ affiling writ, declaration, and, every other paper lodged, each	0	3
„ every rule to plead, rule for trial, or executing a writ of Inquiry, rule to reply, rejoin, or other common rule	0	6
„ every search in his office (Attorneys and their Clerks excepted)	0	6
„ every abstract of judgment to the party requiring the same	0	4
„ every order for final, or, interlocutory judgment ..	0	6
„ signing every judgment	1	6
„ every issue joined	0	3
„ entering a cause on the docket, and a copy for the Judge	0	6
„ “venire” in every cause tried, and inquiry executed ..	1	0
„ swearing every jury	1	0
„ swearing every witness	0	3
„ reading every paper	0	3
„ reading and entering verdict	0	6
„ every plea, or juror withdrawn by consent of parties, or nonsuit	0	4

	s.	d.	No. 7.
For copy of panel of jury, on request of either party ..	0	4	Ord. No. 9,
„ taxing bill of costs, if required	0	6	1852.
„ recording the proceedings in every cause, per folio of seventy-two words	0	3	
„ every satisfaction	0	3	
do. copy of any paper, per copy sheet	0	3	
„ the Judge's testimonial for an exemplification	1	0	
„ attendance on special motion, or, hearing a demurrer argued, or, other special argument	1	0	
„ entering every motion	0	6	
„ every order of Court	0	4	
„ attending drawing every special jury	2	0	
„ taking every recognizance of special bail, and attending thereon	1	0	
„ entering exception to special bail	0	3	
„ an additional bail, justification, or surrender	1	0	
„ attending at the Judge's chambers, on a petition pre- ferred, or examinations of persons departing the Government	1	0	
„ a summons before a Judge	0	3	
„ a rule of reference, or other special rule	0	3	
„ taking the examination of any person before the Judge, if done by the Prothonotary, or his clerk, per folio of seventy-two words	0	4	
„ recording a renunciation of dower, per copy sheet ..	0	4	

FEES OF THE ATTORNEYS OF THE SUPREME COURT.

For retaining fee in every cause	6	0
„ the warrant of attorney	4	0
„ every affidavit in writing, per copy sheet of seventy-two words	0	3
„ fair copy, per copy sheet	0	6
„ writing letters, when necessary in the cause, and before action or suit	4	0
„ every attendance necessary in the cause (no attendance on counsel to be charged, unless counsel be actually retained)	1	0
„ writ of summons, or Capias, or subpoena, or other writ	12	6
„ “alias”	10	0
„ “pluries”	10	0
„ copy writ and notice, each	1	0
„ indorsing costs on writs	1	0
„ drawing “scire facias”	2	0
„ drawing a declaration, plea, replication, rejoinder, de- murrer, joinder in demurrer, or other pleading ..	2	6
„ the pleadings and proceedings, if special, more, each ..	2	6
„ fair copy thereof, per copy sheet	0	3
„ copy of every bond, or other writing declared on, if not exceeding five copy sheets	1	6
„ exceeding five copy sheets, each copy sheet	0	3
„ fee on rule to plead, rule for trial, or executing writ of inquiry, rule to reply, rejoin, or other common rule	0	3

		s.	d.
No. 7.	For service of every rule at Grand Turk	0	6
Ord. No. 9,	„ at Salt Cay, per mile, more	0	3
1852.	„ a brief in every cause	3	0
	„ fair copy, per copy sheet	0	3
	„ every search, such as for appearance, declaration, when filed, and rule to plead, each	1	6
	„ entering appearance, or for defendant, sec. stat.	3	0
	„ every subpoena and conduct money	1	6
	„ each ticket	1	0
	„ drawing short particulars to accompany any declaration	2	6
	„ drawing long particulars and fair copy, exceeding three folios, at per folio	0	4
	„ witnesses residing out of town, per mile	0	3
	„ witnesses coming from any out-island, their reasonable expenses, and an allowance of 3s. per day, while attending necessarily, with the payment of their passages to and from each out-island.		
	„ a Court fee in every cause, not exceeding two Courts, each Court	3	0
	„ pleading fee in every cause on a trial at law, or fact, motion in arrest of judgment, or for a new trial	5	0
	„ fee on executing writ of inquiry	2	6
	The attorney to pay the jury, in every cause tried, or in- quiry executed	4	0
	For every common motion when an order ensues	1	0
	„ copy and service of orders usually served	1	0
	„ drawing every judgment at large	1	6
	If special, more	1	0
	For engrossing proceedings, per folio	0	4
	„ bill of costs, at 8d. per folio, not to exceed	4	0
	„ copy bill and notice if contested	0	9
	„ drawing and engrossing execution	1	0
	„ “Venditioni exponas, fieri facias, ad satisfaciendum,” for residue, or, execution against executor, or, adminis- trator, more	1	0
	„ signing an execution or “scire facias”	1	0
	„ fee on ending every cause	1	0
	„ notice of trial, or, inquiry	1	0
	„ drawing, signing, and, acknowledging satisfaction in, or out of Court	2	0
	„ drawing bail-piece	1	0
	„ signing every other paper or proceeding not herein men- tioned	0	6
	„ every notice of bail and service	2	6
	„ attending the Judge at his chambers, to make a motion, or to confess judgment by warrant of attorney	2	0
	„ drawing every petition to the Court, or Judge	2	0
	„ fair copy, per copy sheet	0	3
	„ every special argument, upon a rule of Court, at Cham- bers, or in Court	5	0
	„ attending arbitrators upon a rule of reference, each day	8	0
	„ attending to strike special jury	2	0
	„ striking special jury	1	0
	„ fee on “Venire” for a special jury	1	6

	s.	d.	No. 7. Ord. No. 9, 1852.
For to pay each person appearing on the panel of a special jury, for his attendance at Court, each day	4	0	
„ exceptions to bail and notice thereof, each	1	6	
„ attending the Judge to take the examinations of such persons as are departing these islands	3	0	
„ drawing interrogatories for such examination, per copy sheet	2	0	
„ fair copy of same, per copy sheet	0	3	

PROVOST MARSHAL'S FEES.

For serving a writ of summons at Grand Turk	2	6
„ serving a writ of Capias, where no arrest	2	6
„ mileage, per mile	0	3
„ a bail-bond	2	6
„ every assignment thereof	3	0
„ every arrest at Grand Turk	2	6
„ every arrest elsewhere	3	0
„ making a levy	5	0
„ making a return to any writ of “Habeas Corpus,” or other writ	1	0
„ summoning a jury and attendance in Court	2	0
„ „ a special jury	20	0
„ attending the Judge with prisoner, on a writ of “Habeas Corpus”	5	0
„ his poundage on all sales, five pounds per centum on the first fifty pounds, two and a half on the remainder where the property sold does not produce more than £100; where it exceeds £100—3 per cent.		
„ raising a hue and cry	3	0
„ executing every criminal condemned by judgment of the Supreme Court	40	0

CRIER OF THE SUPREME COURT'S FEES.

For calling every action or witness	0	6
„ opening every Court and adjourning when any cause is tried	1	6
„ every person discharged by proclamation	1	0
„ „ “nolle prosequi”	0	9
„ „ recognizance entered into by a defendant	1	0
„ „ person indicted of an assault	1	0
From every attorney, and the Prothonotary, at the end of each term	4	0

QUEEN'S ADVOCATE'S FEES.

To be taken also by any person prosecuting on behalf of the Crown.		
For retaining fee on every information	s.	d.
„ drawing every information	10	0
	5	0

III. That, nothing herein contained, shall render any person who, in any criminal proceeding, is charged with the commission of any indictable offence, or any offence punishable, on summary conviction, competent, or compellable, to give evidence for, or against himself, or herself, or shall render any person compellable to answer any question tending to criminate himself or herself, or shall in any criminal proceeding render any husband competent, or compellable, to give evidence, for, or against his wife, or any wife competent, or compellable to give evidence for, or against her husband.

No. 8.
Ord. No. 12,
1852.

Proviso as to
Criminal Proceedings.

IV. That, nothing herein contained, shall apply to any action, suit, or proceeding, instituted in consequence of adultery, or for any action for breach of promise of marriage; nor, shall anything herein contained, repeal any provisions in the Statute passed in the session of Parliament, holden in the seventh year of the reign of King William the Fourth, and the first year of the reign of Her present Majesty, for amending the law with respect to wills, so far as such Statute is in force in this colony.

Proviso as to
proceedings in
Adultery, or
breach of
Promise of
Marriage.

In respect of
Wills.

V. That, whenever any action or other legal proceeding, shall, henceforth, be pending in any Superior Court of Common Law, within these islands, such Court, and each of the Judges thereof, may, respectively, on application made for such purpose, by either of the litigants, compel the opposite party, to allow the party making the application to inspect all documents in the custody, or under the control of such opposite party, relating to such action, or other legal proceeding, and, if necessary, to take examined copies of the same, in all cases, in which, previous to the passing of this Ordinance, a discovery might have been obtained, by filing a bill, or by any other proceeding in a Court of Equity, at the instance of the party so making application, as aforesaid, to the Court or Judge.

Parties may be
compelled to
produce documents.

VI. That, every document, which, by any law now in force, or hereafter to be in force, is, or shall be admissible, in evidence, in any Court of Justice, in England, shall be admissible in evidence, in the like manner, to the same extent, and for the same purpose, in any Court of Law, or Equity, in these islands; or, before any person, having by law, or by consent of parties, authority to hear, receive, and examine evidence.

Documents
admissible as
evidence in
England, ad-
missible, also,
in this Colony.

VII. That, every Court, Judge, Justice, Officer, Commissioner, Arbitrator, or other person, now, or hereafter, having by law, or by consent of parties, authority to hear, receive, and examine evidence, is hereby empowered to administer an oath to all such witnesses as are legally called before them respectively.

Authority to
administer
oaths.

No. 9.
Ord. No. 9,
1855.

No. 9.—ORDINANCE No. 9 of 1855.

An Ordinance to amend the practice and mode of pleading in the Supreme Court of these Islands, and to extend to the said Islands certain clauses of an Act of the Imperial Parliament, passed in the fifteenth and sixteenth years of Her Majesty's reign, entitled, "An Act to amend the Process, Practice, and Mode of Pleading, in the Superior Courts of Common Law at Westminster, and in the Superior Courts of the Counties Palatine of Lancaster and Durham." (Passed 24th Oct., 1855. Confirmed 8th April, 1856.)

PREAMBLE.

WHEREAS by an Act of the Imperial Parliament, made and passed in the fifteenth and sixteenth years of Your Majesty's reign, known as "The Common Law Procedure Act, 1852," alterations were made in the mode of practice and pleading in the Courts of Common Law at Westminster; and it is expedient that the practice and pleading in the Supreme Court of these islands, should, as far as is practicable, be assimilated thereto; May it, &c. :—

What clauses
of Common
Law Procedure
Act of 1852,
declared in
force.

I. That the said Statute shall be in force within these islands, with the exception of the following clauses, to wit:—The 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 16, 24, 26, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 120, 121, 122, 124, 125, 223, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236,—and the clauses and schedules of the said Statute so declared to be in force, shall be printed with this Ordinance for general information.

Form of
Writ of Sum-
mons.

II. That all personal actions brought in the Supreme Court of these islands, where the defendant is residing or is supposed to reside within the jurisdiction of the Court, shall be commenced by writ of summons in the form contained in the Schedule (A.) to the said Common Law Procedure Act, 1852, and marked No. 4. And in every such writ and copy thereof, the place of the residence or supposed residence of the party defendant, or wherein the defendant shall be, or shall be supposed to be, shall be mentioned, and such writ shall be issued and executed as is directed in the second section of Ordinance No. 9 of 1852, with respect to the writ of summons therein mentioned.

Original Writ
in force for
Six months
only, but may
be renewed.

III. That no original writ of summons shall be in force for more than six months, from the day of the date thereof, including the day of such date; but if necessary such writ may be renewed at any time before its expiration, for six months from the date of such renewal, and so on from time to time; and such writ shall be renewed by being again sealed with the seal of the Supreme Court, and signed by the Prothonotary, who shall add to such signature the day of the month and year of such renewal; and such writ so renewed shall remain in force and be available to prevent the operation of any Statute whereby the time for the commencement of the action may be limited, and for all other purposes, from the date of the issuing of the original writ of summons. Provided that a precipe in such form as hath heretofore been required to be delivered, in order to obtain an alias writ, shall be filed by the plaintiff or his attorney with the Prothonotary, before the renewal of any writ, in manner before mentioned. Provided also, that any

writ of summons issued and in force at the time of the coming of this Ordinance into operation shall not be determined by this Ordinance, but may be renewed, if necessary, at any time before the period fixed for the expiration thereof, in manner hereinbefore mentioned.

IV. That the production of a writ of summons, renewed in the manner hereinbefore set forth, shall be sufficient evidence of such renewal and of the date of the issue of the original writ of summons.

V. That any writ of execution issued after this Ordinance shall have come into operation, if unexecuted, shall not remain in force for more than one year from the date of the *teste* thereof, and may be renewed at any time before the expiration of the said period : and such renewed writ may in like manner continue in force for a year, and may in like manner be renewed from time to time. And such writs shall be renewed by a notice in writing of such renewal, signed by the party or his attorney, and bearing the seal of the Court and the signature of the Prothonotary, who shall add to such signature the day of the month and year of such renewal ; and such notice shall be delivered to the Provost Marshal ; and every writ so renewed shall take effect and have priority according to the time of the original delivery thereof.

VI. That the production of the notice renewing a writ of execution shall be sufficient evidence of its having been renewed.

VII. That all rules to be framed by the Judge of the Supreme Court for the regulation of the same, under the provisions of this or of any other Ordinance of these islands, shall be submitted for the confirmation of the Legislative Council of these islands, before they shall become operative and binding on any of the parties concerned.

VIII. And whereas many of the modes of proceeding, services, and acts for which fees are now allowed by law, have been abolished by this Ordinance without other fees in lieu thereof having been established ; Be it ordained, That it shall be lawful for the Judge of the said Court, to allow in taxation of costs, reasonable fees for the performance of services to which fees may not be specifically attached by any Ordinance of these islands.

IX. That the following clauses and parts of clauses of Ordinance No. 9 of 1852, shall be repealed, viz. :—so much of the second clause as relates to the form of writs of summons, and the indorsements thereon : Also so much of the fifth clause as refers to the notice to be indorsed on writs of summons : Also the whole of the sixth clause with reference to the duration and renewal of writs of summons : Also the whole of the seventeenth clause with reference to the mode of entering an appearance.

X. That throughout the clauses of the Statute aforesaid, wherever the words "Court," or "Courts of Law at Westminster," shall occur, they shall be deemed to apply to the Supreme Court of these islands : wherever the words "Chief Justice," "Judge," "Judges" or the like shall occur, they shall be deemed to apply to the Judge of the said Court : the word "Master" shall also be deemed to apply to the Prothonotary of the same ; and the word "Act" shall be held to apply to this Ordinance. That wherever in any Ordinance of these islands, the words "Superior Court" shall occur, the same shall be understood to refer to the Supreme Court of these islands. And whereas, in describing or referring

No. 9.
Ord. No. 9,
1855.

Evidence of
renewal.

Writs of Execu-
tion in force for
one year, how
renewed.

Rules of Court
to be approved
of by the Legis-
lative Council.

Costs.

Parts of Ordi-
nance No. 9 of
1852 repealed.

Explanation of
terms.

No. 9.
Ord. No. 9,
1855.

to any person or thing, any word importing the singular number or masculine gender, is used, the same shall be held to include several persons or things, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise provided, or there be something in the subject or context repugnant to such construction.

**Clauses of
Act of Parl.
15 & 16 Vic.**

c. 76,
in force.

**Writ to state
Names of all
Defendants,
and for only
one Action.
Attorney on
Demand to
declare
whether Writ
issued by his
authority, and
to declare
Name and
Abode of his
Client if or-
dered.**

**If Writ issued
without autho-
rity of Attorney,
Proceedings to
be stayed.**

**Indorsement
of Debt and
Costs on Writ
and Copy of
Writ for a Debt
with notice that
Proceedings
will be stayed
on payment
within four
days.**

*Clauses and Schedules of Imperial Statute 15 and 16 Vict., declared
in force by Ordinance No. 9, 1855.*

III. It shall not be necessary to mention any form or cause of action in any writ of summons, or in any notice of writ of summons, issued under the authority of this Act.

IV. Every writ of summons shall contain the names of all the defendants, and shall not contain the name or names of any defendant or defendants in more actions than one.

VII. Every attorney whose name shall be indorsed on any writ issued by authority of this Act shall, on demand in writing, made by or on behalf of any defendant, declare forthwith whether such writ has been issued by him or with his authority or privity; and if he shall answer in the affirmative, then he shall also, in case the Court or a Judge shall so order and direct, declare in writing, within a time to be allowed by such Court or Judge, the profession, occupation, or quality, and place of abode of the plaintiff, on pain of being guilty of a contempt of the Court from which such writ shall appear to have been issued; and if such attorney shall declare that the writ was not issued by him, or with his authority or privity, all proceedings upon the same shall be stayed, and no further proceedings shall be taken thereupon without leave of the Court or a Judge.

VIII. Upon the writ and copy of any writ served for the payment of any debt the amount of the debt shall be stated, and the amount of what the plaintiff's attorney claims for the costs of such writ, copy, and service, and attendance to receive debt and costs, and it shall be further stated that upon payment thereof within four days to the plaintiff or his attorney, further proceedings will be stayed; which indorsement shall be written or printed in the following form or to the like effect:—

"The plaintiff claims £ for debt,
and £ for costs, and if the amount
thereof be paid to the plaintiff or to his Attorney within four
days from the service hereof, further proceedings will be
stayed."

But the defendant shall be at liberty, notwithstanding such payment, to have the costs taxed, and if more than one sixth shall be disallowed, the plaintiff's attorney shall pay the costs of taxation.

XV. The person serving the writ of summons shall and he is hereby required, within three days at least after such service, to indorse on the writ the day of the month and week of the service thereof, otherwise the plaintiff shall not be at liberty, in case of nonappearance, to proceed under this Act; and every affidavit of service of such writ shall mention the day on which such indorsement was made.

**Indorsement
of service to
be made.**

XVII. The service of the writ of summons, wherever it may be practicable, shall, as heretofore, be personal; but it shall be lawful for the plaintiff to apply from time to time, on affidavit to the Court out of which the writ of summons issued, or to a Judge; and in case it shall appear to such Court or Judge that reasonable efforts have been made to effect personal service, and either that the writ has come to the knowledge of the defendant, or that he wilfully evades service of the same, and has not appeared thereto, it shall be lawful for such Court or Judge to order that the plaintiff be at liberty to proceed as if personal service had been effected, subject to such conditions as to the Court or Judge may seem fit.

*XVIII. In case any defendant, being a British subject, is residing out of the jurisdiction of the said superior Courts in any place except in Scotland or Ireland, it shall be lawful for the plaintiff to issue a writ of summons in the form contained in the Schedule (A.) to this Act annexed, marked No. 2, which writ shall bear the indorsement contained in the said form, purporting that such writ is for service out of the jurisdiction of the said superior Courts; and the time for appearance by the defendant to such writ shall be regulated by the distance from England of the place where the defendant is residing; and it shall be lawful for the Court or Judge, upon being satisfied by affidavit that there is a cause of action, which arose within the jurisdiction, or in respect of the breach of a contract made within the jurisdiction, and that the writ was personally served upon the defendant, or that reasonable efforts were made to effect personal service thereof upon the defendant, and that it came to his knowledge, and either that the defendant wilfully neglects to appear to such writ, or that he is living out of the jurisdiction of the said Courts in order to defeat and delay his creditors, to direct from time to time that the plaintiff shall be at liberty to proceed in the action in such manner and subject to such conditions as to such Court or Judge may seem fit, having regard to the time allowed for the defendant to appear being reasonable, and to the other circumstances of the case: Provided always, that the plaintiff shall and he is hereby required to prove the amount of the debt or damages claimed by him in such action, either before a jury upon a writ of inquiry, or before one of the Masters of the said superior Courts in the manner hereinafter provided, according to the nature of the case, as such Court or Judge may direct; and the making such proof shall be a condition precedent to his obtaining judgment.

*XIX. In any action against a person residing out of the jurisdiction of the said Courts, and not being a British subject, the like proceedings may be taken as against a British subject resident out of the jurisdiction, save, that in lieu of the form of writ of summons in the Schedule (A.) to the said Act of Parliament annexed marked No. 2, the Plaintiff shall issue a writ of summons according to the form contained in the said Schedule (A.), marked No. 3, and shall in manner aforesaid serve a notice of such last-mentioned writ upon the defendant therein mentioned, which notice shall be in the form contained in the said Schedule, also marked No. 3; and such service shall be of the same force and effect as the service of the writ of summons in any action against a British subject resident abroad, and by leave of the Court or a Judge, upon their or his being satis-

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Proceedings
where personal
service cannot
be effected, but
Defendant
knows of the
writ, and
evades service.

As to Actions
against British
subjects residing
out of the
jurisdiction
of Superior
Courts.

As to Actions
against
Foreigners re-
siding out of
the Jurisdiction
of Superior
Courts.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

Omission to
 insert or in-
 dorse matters
 in or on Writ
 not to nullify it.
 Substitution
 by mistake or
 inadvertence
 of one Form
 of Writ for
 another may
 be by Judge
 without Costs.

Writs for ser-
 vice within and
 without Juris-
 diction may
 be concurrent,
 and vice versa.

Affidavits in
 certain Cases
 may be sworn
 before a Consul.

fied by affidavit as aforesaid, the like proceedings may be had and taken thereupon.

XX. If the plaintiff or his attorney shall omit to insert in or indorse on any writ or copy thereof any of the matters required by this Act to be inserted therein or indorsed thereon, such writ or copy thereof shall not on that account be held void, but it may be set aside as irregular, or amended, upon application to be made to the Court out of which the same shall issue, or to a Judge; and such amendment may be made, upon any application to set aside the writ, upon such terms as to the Court or Judge may seem fit.

XXI. If either of the forms of writ of summons contained in the Schedule (A.) to this Act annexed, and marked respectively Nos. 1, 2, and 3, shall by mistake or inadvertence be substituted for any other of them, such mistake or inadvertence shall not be an objection to the writ or any other proceeding in such action, but the writ may, upon an *ex parte* application to a Judge, whether before or after any application to set aside such writ or any proceeding thereon, and whether the same or notice thereof shall have been served or not, be amended by such Judge without costs.

XXII. A writ for service within the jurisdiction may be issued and marked as a concurrent writ with one for service out of the jurisdiction, and a writ for service out of the jurisdiction may be issued and marked as a concurrent writ with one for service within the jurisdiction.

* XXIII. Any affidavit for the purpose of enabling the Court or a Judge to direct proceedings to be taken against a defendant residing out of the jurisdiction of the said Courts may be sworn before any Consul-General, Consul, Vice Consul, or Consular Agent for the time being, appointed by Her Majesty at any Foreign Port or Place; and every affidavit so sworn by virtue of this Act may be used and shall be admitted in evidence, saving all just exceptions, provided it purport to be signed by such Consul-General, Consul, Vice Consul, or Consular Agent, upon proof of the official character and signature of the person appearing to have signed the same: Provided always, that if any person shall forge the signature of any such affidavit, or shall use or tender in evidence any such affidavit with a false or counterfeit signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to transportation for seven years, or to imprisonment for any term not exceeding three years, nor less than one year, with hard labour; and every person who shall be charged with committing any felony under this Act may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed, in the county or place in which he shall be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and, if convicted, sentenced, and his offence may be laid and charged to have been committed in any county or place in which the principal offender may be tried: Provided also, that if any person shall wilfully and corruptly make a false affidavit before such Consul-General, Consul, Vice Consul, or Consular agent, every person so offending shall be deemed and taken to be guilty of perjury, in like manner as if such false affidavit had been made in England before competent authority, and shall and may be dealt with, indicted, tried, and, if convicted,

* See Ordinance No. 3, 1857, pages 172, 173.

sentenced, and his offence may be laid and charged to have been committed, in any county or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that county or place.

XXV. In all cases where the defendant resides within the jurisdiction of the Court, and the claim is for a debt or liquidated demand in money, with or without interest, arising upon a contract, express or implied, as, for instance, on a bill of exchange, promissory note, or cheque, or other simple contract debt, or on a bond or contract under seal for payment of a liquidated amount of money, or on a statute where the sum sought to be recovered is a fixed sum of money, or in the nature of a debt, or on a guarantee, whether under seal or not, where the claim against the principal is in respect of such debt or liquidated demand, bill, cheque, or note, the plaintiff shall be at liberty to make upon the writ of summons and copy thereof a special indorsement of the particulars of his claim, in the form contained in the Schedule (A.) to this Act annexed, marked No. 4, or to the like effect; and when a writ of summons has been indorsed in the special form hereinbefore mentioned, the indorsement shall be considered as particulars of demand, and no further or other particulars of demand need be delivered, unless ordered by the Court or a Judge.

XXVII. In case of nonappearance by the defendant, where the writ of summons is indorsed in the special form hereinbefore provided, it shall and may be lawful for the plaintiff, on filing an affidavit of personal service of the writ of summons, or a Judge's order for leave to proceed under the provisions of this Act, and a copy of the writ of summons, at once to sign final judgment in the form contained in the Schedule (A.) to this Act annexed, marked No. 5 (on which judgment no proceeding in error shall lie), for any sum not exceeding the sum indorsed on the writ, together with interest at the rate specified, if any, to the date of the judgment, and a sum for costs (to be fixed by the Masters of the said Superior Courts, or any three of them, subject to the approval of the Judges thereof, or any eight of them, of whom the Lord Chief Justices and the Lord Chief Baron shall be three), unless the plaintiff claim more than such fixed sum, in which case the costs shall be taxed in the ordinary way; and the plaintiff may upon such judgment issue execution at the expiration of eight days from the last day for appearance, and not before: Provided always, that it shall be lawful for the Court or a Judge, either before or after final judgment, to let in the defendant to defend upon an application, supported by satisfactory affidavits accounting for the nonappearance, and disclosing a defence upon the merits.

XXVIII. In case of such nonappearance, where the writ of summons is not indorsed in the special form hereinbefore provided, it shall and may be lawful for the plaintiff, on filing an affidavit of personal service of the writ of summons, or a Judge's order for leave to proceed under the provisions of this Act, and a copy of the writ of summons, to file a declaration, indorsed with a notice to plead in eight days, and to sign judgment by default at the expiration of the time to plead, so indorsed as aforesaid; and in the event of no plea being delivered, where the cause of action mentioned in the declaration is for any of the claims which might have been inserted in the special indorsement on the writ of summons

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Special Indorsement of the particulars of Debts or liquidated Demands may be made on the Writ.

Special Indorsement to stand for particulars of demand.

Final Judgment upon Writ specially indorsed in default of Appearance.

Judgment for Nonappearance where the Writ is not indorsed in the special Form.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Appearance to
be entered
at any time
before Judgment.

Appearance by
the Defendant
in person to
give an Address
at which Proceedings may
be served.

Mode of
Appearance
to Writ of
Summons.

Proceedings
mentioned in
Writ or Notice
may be had and
taken.
Proceedings
where only
some of the
Defendants
appear to a
Writ specially
indorsed.

hereinbefore provided, and the amount claimed is indorsed on the writ of summons, the judgment shall be final, and execution may issue for an amount not exceeding the amount indorsed on the writ of summons, with interest at the rate specified, if any, and the sum fixed by the Masters for costs, as hereinbefore mentioned, unless the plaintiff claim more, in which case the costs shall be taxed in the ordinary way: Provided always, that in such case the plaintiff shall not be entitled to more costs than if he had made such special indorsement, and signed judgment upon nonappearance.

XXIX. The defendant may appear at any time before judgment, and if he appear after the time specified either in the writ of summons, or in any rule or order to proceed as if personal service had been effected, he shall, after notice of such appearance to the plaintiff or his attorney, as the case may be, be in the same position as to pleadings and other proceedings in the action as if he had appeared in time: Provided always, that a defendant appearing after the time appointed by the writ shall not be entitled to any further time for pleading or any other proceeding than if he had appeared within such appointed time.

XXX. Every appearance by the defendant in person shall give an address, at which it shall be sufficient to leave all pleadings and other proceedings not requiring personal service; and if such address be not given the appearance shall not be received; and if an address so given shall be illusory or fictitious, the appearance shall be irregular, and may be set aside by the Court or a Judge, and the plaintiff may be permitted to proceed by sticking up the proceedings in the Master's office without further service.

XXXI. The mode of appearance to every such writ of summons, or under the authority of this Act, shall be by delivering a memorandum in writing according to the following form, or to the like effect:—

“A., plaintiff, against C. D.
or
against C. D. and another,
or
against C. D. and others.

The defendant C. D. appears in person.
E. F., attorney for C. D. appears for him.

[If the defendant appears in person here give his address.]

Entered the day of 18 .”

Such memorandum to be delivered to the proper officer or person in that behalf, and to be dated on the day of the delivery thereof.

XXXII. All such proceedings as are mentioned in any writ or notice issued under this Act shall and may be had and taken in default of a defendant's appearance.

XXXIII. In any action brought against two or more defendants, where the writ of summons is indorsed in the special form hereinbefore provided, if one or more of such defendants only shall appear, and another or others of them shall not appear, it shall and may be lawful for the plaintiff to sign judgment against such defendant or defendants only as shall not have appeared, and, before declaration against the other defendant or defendants, to issue execution thereupon, in which case he shall be taken to have abandoned his action against the defendant or defendants who shall have appeared; or the plaintiff may, before issuing such execution, declare against such defendant or defendants as shall have appeared, stating

by way of suggestion, the judgment obtained against the other defendant or defendants who shall not have appeared, in which case the judgment so obtained against the defendant or defendants who shall not have appeared shall operate and take effect in like manner as a judgment by default obtained before the commencement of this Act against one or more of the several defendants in an action of debt before the commencement of this Act.

And with respect to the joinder of parties to actions, be it enacted as follows :

XXXIV. It shall and may be lawful for the Court or a Judge, at any time before the trial of any cause, to order that any person or persons, not joined as plaintiff or plaintiffs in such cause, shall be so joined ; or that any person or persons, originally joined as plaintiff or plaintiffs, shall be struck out from such cause, if it shall appear to such Court or Judge that injustice will not be done by such amendment, and that the person or persons, to be added as aforesaid, consent, either in person or by writing, under his, her, or their hands, to be so joined, or that the person or persons, to be struck out as aforesaid, were originally introduced without his, her, or their consent, or that such person or persons consent in manner aforesaid to be so struck out ; and such amendment shall be made upon such terms as to the amendment of the pleadings (if any), postponement of the trial and otherwise, as the Court or Judge by whom such amendment is made shall think proper ; and when any such amendment shall have been made, the liability of any person or persons, who shall have been added as co-plaintiff or co-plaintiffs, shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in such cause.

XXXV. In case it shall appear at the trial of any action that there has been a misjoinder of plaintiffs, or that some person or persons, not joined as plaintiff or plaintiffs, ought to have been so joined, and the defendant shall not, at or before the time of pleading, have given notice in writing that he objects to such nonjoinder, specifying therein the name or names of such person or persons, such misjoinder or nonjoinder may be amended, as a variance, at the trial by any Court of Record holding plea in civil actions, and by any Judge sitting at Nisi Prius, or other presiding officer, in like manner as to the mode of amendment, and proceedings consequent thereon, or as near thereto as the circumstances of the case will admit, as in the case of amendments of variances under an Act of Parliament passed in the session of Parliament, held in the third and fourth years of the reign of his late Majesty King William the Fourth, entitled "An Act for the further amendment of the Law, and the better advancement of Justice," if it shall appear to such Court, or Judge, or other presiding officer, that such misjoinder or nonjoinder was not for the purpose of obtaining an undue advantage, and that injustice will not be done by such amendment, and that the person or persons to be added as aforesaid, consent, either in person or by writing, under his, her, or their hands, to be so joined, or that the person or persons to be struck out as aforesaid were originally introduced without his, her, or their consent, or that such person or persons consent, in manner aforesaid, to be so struck out ; and such amendment shall be made upon such terms as the Court or Judge, or other presiding officer, by whom such amendment is made, shall think proper ; and when any such amendment

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Joinder of
parties.

Nonjoinder and
Misjoinder of
Plaintiffs may
be amended
before Trial.

Nonjoinder and
Misjoinder of
Plaintiffs may
be amended at
the Trial, as
in cases of
Amendments
of Variances
under 3 & 4
W. 4, c. 42.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Upon notice
or Plea of
Nonjoinder of
Plaintiffs, Pro-
ceedings may
be amended.

Misjoinder of
Defendants
may be
amended
before or at
Trial.

Upon Plea in
Abatement
for Nonjoinder
of Defendants,
Proceedings
may be
amended.

Provision in
the case of
subsequent
Proceedings
against the
Persons named
in a Plea in
Abatement for
Nonjoinder of
Defendants.

shall have been made, the liability of any person or persons, who shall have been added as co-plaintiff or co-plaintiffs, shall, subject to any terms imposed as aforesaid, be the same as if such person or persons had been originally joined in such action.

XXXVI. In case such notice be given, or any plea in abatement of nonjoinder of a person or persons as co-plaintiff or co-plaintiffs in cases where such plea in abatement may be pleaded, be pleaded by the defendant, the plaintiff shall be at liberty, without any order, to amend the writ and other proceedings before plea, by adding the name or names of the person or persons named in such notice or plea in abatement, and to proceed in the action without any further appearance, on payment of the costs of, and occasioned by such amendment only, and in such case the defendant shall be at liberty to plead *de novo*.

XXXVII. It shall and may be lawful for the Court or a Judge in the case of the joinder of too many defendants in any action on contract, at any time before the trial of such cause, to order that the name or names of one or more of such defendants be struck out, if it shall appear to such Court or Judge that injustice will not be done by such amendment; and the amendment shall be made upon such terms as the Court or Judge, by whom such amendment is made shall think proper; and in case it shall appear at the trial of any action on contract that there has been a misjoinder of defendants, such misjoinder may be amended, as a variance, at the trial, in like manner as the misjoinder of plaintiffs has been hereinbefore directed to be amended, and upon such terms as the Court or Judge, or other presiding officer, by whom such amendment is made, shall think proper.

XXXVIII. In any action on contract where the nonjoinder of any person or persons as a co-defendant or co-defendants has been pleaded in abatement, the plaintiff shall be at liberty, without any order, to amend the writ of summons and the declaration, by adding the name or names of the person or persons named in such plea in abatement as joint contractors, and to serve the amended writ upon the person or persons so named in such plea in abatement, and to proceed against the original defendant or defendants, and the person or persons so named in such plea in abatement: Provided that the date of such amendment shall, as between the person or persons so named in such plea in abatement and the plaintiff, be considered for all purposes as the commencement of the action.

XXXIX. In all cases after such plea in abatement and amendment, if it shall appear upon the trial of the action that the person or persons so named in such plea in abatement was or were jointly liable with the original defendant or defendants, the original defendant or defendants shall be entitled as against the plaintiff to the costs of such plea in abatement and amendment; but if at such trial it shall appear that the original defendant or any of the original defendants is or are liable, but that one or more of the persons named in such plea in abatement is or are not liable as a contracting party or parties, the plaintiff shall nevertheless be entitled to judgment against the other defendant or defendants who shall appear to be liable; and every defendant who is not so liable shall have judgment, and shall be entitled to his costs as against the plaintiff, who shall be allowed the same, together with the costs of the plea in abatement and amendment, as costs in the cause against

the original defendant or defendants who shall have so pleaded in abatement the nonjoinder of such person: Provided that any such defendant who shall have so pleaded in abatement shall be at liberty on the trial to adduce evidence of the liability of the defendants named by him in such plea in abatement.

XL. In any action brought by a man and his wife for an injury done to the wife, in respect of which she is necessarily joined as co-plaintiff, it shall be lawful for the husband to add thereto claims in his own right; and separate actions brought in respect of such claims may be consolidated, if the Court or a Judge shall think fit: Provided that in the case of the death of either plaintiff such suit, so far only as relates to the causes of action, if any, which do not survive, shall abate.

And with respect to joinder of causes of action, be it enacted as follows:

XLi. Causes of action, of whatever kind, provided they be by and against the same parties and in the same rights, may be joined in the same suit; but this shall not extend to replevin or ejectment; and where two or more of the causes of action so joined are local, and arise in different counties, the venue may be laid in either of such counties; but the Court or a Judge shall have power to prevent the trial of different causes of action together, if such trial would be inexpedient, and in such case such Court or Judge may order separate records to be made up, and separate trials to be had.

And for the determination of questions raised by consent of the parties without pleading, be it enacted as follows:

XLII. Where the parties to an action are agreed as to the question or questions of fact to be decided between them, they may, after writ issued, and before judgment, by consent, and order of a Judge, (which order any Judge shall have power to make, upon being satisfied that the parties have a *bonâ fide* interest in the decision of such question or questions, and that the same is or are fit to be tried,) proceed to the trial of any question or questions of fact without formal pleadings; and such question or questions may be stated for trial in an issue in the form contained in the Schedule (A.) to this Act annexed, marked No. 6, and such issue may be entered for trial and tried accordingly in the same manner as any issue joined in an ordinary action; and the proceedings in such action and issue shall be under and subject to the ordinary control and jurisdiction of the Court, as in other actions.

XLIII. The parties may, if they think fit, enter into an agreement in writing, which shall not be subject to any stamp duty, and which shall be embodied in the said or any subsequent order, that upon the finding of the jury in the affirmative or negative of such issue or issues, a sum of money fixed by the parties, or to be ascertained by the jury upon a question inserted in the issue for that purpose, shall be paid by one of such parties, to the other of them, either with or without the costs of the action.

XLIV. Upon the finding of the jury in any such issue, judgment may be entered for such sum as shall be so agreed or ascertained as aforesaid, with or without costs, as the case may be, and execution may issue upon such judgment forthwith, unless otherwise agreed, or unless the Court or a Judge shall otherwise order

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Joinder of
claims by
Husband and
Wife with
claims in right
of Husband.

Joinder of
causes of Action.

Different
causes of
Action may
be joined, but
separate Trials
may be ordered.

Questions by
consent with-
out pleading.
Questions of
Fact may, after
Writ issued, by
consent and
leave of a
Judge, be raised
without
pleadings.

Agreement may
be entered into
for the payment
of money and
costs according
to the result of
the Issue.

Judgment to be
entered accord-
ing to the Agree-
ment, and Execu-
tion issued
forthwith, un-
less stayed.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Questions of law
may be raised
after Writ issued
by consent &c.,
without pleading.
Agreement as
to payment
of money and
Costs, accord-
ing to Judg-
ment upon
Special Case.

Costs to follow
the event, un-
less otherwise
agreed.
Pleadings in
general.

Fictitious and
needless aver-
ments not to
be made.

Judgment upon
Demurrer to be
given according
to the very
right of the
cause.

Objections by
way of Special
Demurrer taken
away.
Pleadings
framed to em-
barrass may be
struck out or
amended.

for the purpose of giving either party an opportunity for moving to set aside the verdict, or for a new trial.

XLV. The proceedings upon such issue may be recorded at the instance of either party, and the judgment, whether actually recorded or not, shall have the same effect as any other judgment in a contested action.

XLVI. The parties may, after writ issued, and before judgment, by consent, and order of a Judge, state any question or questions of law in a special case for the opinion of the Court, without any pleadings.

XLVII. The parties may, if they think fit, enter into an agreement in writing, which shall not be subject to any stamp duty, and which shall be embodied in the said or any subsequent order, that upon the judgment of the Court being given in the affirmative or negative of the question or questions of law raised by such special case, a sum of money, fixed by the parties, or to be ascertained by the Court, or in such manner as the Court may direct, shall be paid by one of such parties to the other of them, either with or without costs of the action; and the judgment of the Court may be entered for such sum as shall be so agreed or ascertained, with or without costs, as the case may be, and execution may issue upon such judgment forthwith, unless otherwise agreed, or unless stayed by proceedings in error.

XLVIII. In case no agreement shall be entered into as to the costs of such action, the costs shall follow the event, and be recovered by the successful party.

And with respect to the language and form of pleadings in general, be it enacted as follows:

XLIX. All statements which need not be proved, such as the statement of time, quantity, quality, and value, where these are immaterial; the statement of losing and finding, and bailment, in actions for goods or their value; the statement of acts of trespass having been committed with force and arms, and against the peace of Our lady the Queen; the statement of promises which need not be proved, as promises in *Indebitatus* counts, and mutual promises to perform agreements; and all statements of a like kind shall be omitted.

L. Either party may object [by demurrer to the pleading of the opposite party on the ground that such pleading does not set forth sufficient ground of action, defence, or reply, as the case may be; and where issue is joined on such demurrer, the Court shall proceed and give judgment according as the very right of the cause and matter in law shall appear unto them, without regarding any imperfection, omission, defect in or lack of form; and no judgment shall be arrested, stayed or reversed for any such imperfection, omission, defect in or lack of form.

LI. No pleading shall be deemed insufficient for any defect which could heretofore only be objected to by a special demurrer.

LII. If any pleading be so framed as to prejudice, embarrass, or delay the fair trial of the action, the opposite party may apply to the Court or a Judge to strike out or amend such pleading, and the Court or any Judge shall make such order respecting the same, and also respecting the costs of the application, as such Court or Judge shall see fit.

LIII. Rules to declare, or to declare peremptorily, and rules to

reply, and plead subsequent pleadings, shall not be necessary, and instead thereof a notice shall be substituted requiring the opposite party to declare, reply, rejoin, or as the case may be, within four days, otherwise judgment; such notice to be delivered separately or indorsed on any pleading to which the opposite party is required to reply, rejoin, or as the case may be.

LIV. Every declaration and other pleading shall be entitled of the proper Court, and of the day of the month and the year when the same was pleaded, and shall bear no other time or date, and every declaration and other pleading shall also be entered on the record made up for trial and on the judgment roll under the date of the day of the month and year when the same respectively took place, and without reference to any other time or date, unless otherwise specially ordered by the Court or a Judge.

LV. It shall not be necessary to make profert of any deed or other document mentioned or relied on in any pleading; and if profert shall be made it shall not entitle the opposite party to craveoyer of or set out upon oyer such deed or other document.

LVI. A party pleading in answer to any pleading in which any document is mentioned or referred to shall be at liberty to set out the whole or such part thereof as may be material, and the matter so set out shall be deemed and taken to be part of the pleading in which it is set out.

LVII. It shall be lawful for the plaintiff or defendant in any action to aver performance of conditions precedent generally, and the opposite party shall not deny such averment generally, but shall specify in his pleading the condition or conditions precedent the performance of which he intends to contest.

And with regard to the time and manner of declaring, and to particulars of demand, be it enacted as follows:

LVIII. A plaintiff shall be deemed out of Court, unless he declare within one year after the writ of summons is returnable.

LIX. Every declaration shall commence as follows, or to the like effect:

[Venue.] "*A.B. by E.F., his attorney, (or in person, as the case may be), sues C.D. for (here state the cause of action);*"

And shall conclude as follows or to the like effect:

"And the plaintiff claims £ , (or, if the action is brought to recover specific goods, the plaintiff claims a return of the said goods or their value, and £ for their detention.)"

LX. In all cases in which, after a plea in abatement of the nonjoinder of another person as defendant, the plaintiff shall, without having proceeded to trial on an issue thereon, commence another action against the defendant or defendants in the action in which such plea in abatement shall have been pleaded, and the person or persons named in such plea in abatement as joint contractors, or shall amend by adding the omitted defendant or defendants, the commencement of the declaration shall be in the following form or to the like effect:

[Venue.] "*A.B. by E.F., his attorney (or in his own proper person, &c.), sues C.D. and G.H., which said C.D. has heretofore pleaded in abatement the nonjoinder of the said G.H. for, &c.*"

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Pleadings to be dated and entered as of time of pleading, unless order to the contrary.

Profert and Oyer abolished.

Documents may be set forth and be considered a part of the pleading in which it is set forth.

Performance of conditions precedent may be averred generally.

Declaration.

Plaintiff to declare within a year.

Forms of commencement &c. of Declaration.

Commencement of Declaration after Plea of Nonjoinder.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

Declaration for
 Libel or slander.
 Pleadings.

Rules to plead
 and demand of
 plea abolished.
 Time for plead-
 ing where
 Defendant
 is within
 Jurisdiction
 to be eight
 days.

Express color
 abolished.

Special Tra-
 verses abolished.
 Formal com-
 mencement
 and prayer
 of Judgment
 unnecessary.

Commence-
 ment of plea.

LXI. In actions of libel and slander the plaintiff shall be at liberty to aver that the words or matter complained of were used in a defamatory sense, specifying such defamatory sense without any prefatory averment to show how such words or matter were used in that sense, and such averment shall be put in issue by the denial of the alleged libel or slander; and where the words or matter set forth, with or without the alleged meaning, show a cause of action, the declaration shall be sufficient.

And as to pleas and subsequent pleadings, be it enacted as follows :

LXII. No rule to plead or demand of plea shall be necessary, and the notice to plead indorsed on the declaration or delivered separately shall be sufficient.

LXIII. In cases where the defendant is within the jurisdiction, the time for pleading in bar, unless extended by the Court or a Judge, shall be eight days; and a notice requiring the defendant to plead thereto in eight days, otherwise judgment, may, whether the declaration be delivered or filed, be indorsed upon the declaration, or delivered separately.

LXIV. Express color shall no longer be necessary in any pleading.

LXV. Special traverses shall not be necessary in any pleading.

LXVI. In a plea or subsequent pleading it shall not be necessary to use any allegation of *actionem non*, or *actionem ulterius non*, or to the like effect, or any prayer of judgment, nor shall it be necessary in any replication or subsequent pleading, to use any allegation of *precludi non*, or to the like effect, or any prayer of Judgment.

LXVII. No formal defence shall be required in a plea, or avowry, or cognizance, and it shall commence as follows, or to the like effect :

“The defendant by his attorney (or in person,
or as the case may be,) says that (here state first defence)”

and it shall not be necessary to state in a second or other Plea, or avowry, or cognizance, that it is pleaded by leave of the Court or a Judge, or according to the form of the statute, or to that effect; but every such plea, avowry, or cognizance shall be written in a separate paragraph, and numbered, and shall commence as follows, or to the like effect :

“And for a second (*&c.*) Plea the defendant says, that (*here state second, &c. defence*);”

or if pleaded to part only, then as follows, or to the like effect :

“And for a second (*&c.*) Plea to (*stating to what it is pleaded*), the defendant says that,” *&c.*,

and no formal conclusion shall be necessary to any plea, avowry, cognizance or subsequent pleading.

LXVIII. Any defence arising after the commencement of any action shall be pleaded according to the fact, without any formal commencement or conclusion; and any plea which does not state whether the defence therein set up arose before or after action shall be deemed to be a plea of matter arising before action.

Plea of matter
 subsequent to
 Action.

LXIX. In cases in which a plea puis darrein continuance has heretofore been pleaded in Banc or at Nisi Prius, the same defence may be pleaded with an allegation that the matter arose after the last pleading : and such plea may, when necessary, be pleaded at Nisi Prius, between the tenth of August and twenty-fourth of October ; but no such plea shall be allowed unless accompanied by an affidavit that the matter thereof arose within eight days next before the pleading of such plea, or unless the Court or a Judge shall otherwise order.

LXX. It shall be lawful for the defendant in all actions, (except actions for assault and battery, false imprisonment, libel, slander, malicious arrest or prosecution, criminal conversation, or debauching of the plaintiff's daughter or servant,) and, by leave of the Court or a Judge, upon such terms as they or he may think fit, for one or more of several defendants to pay into Court a sum of money by way of compensation or amends : Provided that nothing herein contained shall be taken to affect the provisions of a certain Act of Parliament passed in the session of Parliament holden in the sixth and seventh years of the reign of Her present Majesty, entitled, "An Act to amend the Law respecting defamatory Words and Libel."

LXXI. When money is paid into Court, such payment shall be pleaded in all cases, as near as may be, in the following form, *mutatis mutandis* :

"The defendant by his attorney (or in person, &c.) (if pleaded to part say, as to £ parcel of the money claimed) brings into Court the sum of £ and says that the said sum is enough to satisfy the claim of the plaintiff in respect of the matter herein pleaded to."

LXXII. No rule or Judge's order to pay money into Court shall be necessary, except in the case of one or more of several defendants, but the money shall be paid to the proper officer of each Court, who shall give a receipt for the amount in the margin of the Plea, and the said sum shall be paid out to the plaintiff or to his attorney, upon a written authority from the plaintiff, on demand.

LXXIII. The plaintiff, after the delivery of a plea of payment of money into Court, shall be at liberty to reply to the same by accepting the sum so paid into Court in full satisfaction and discharge of the cause of action in respect of which it has been paid in, and he shall be at liberty in that case to tax his costs of suit, and, in case of nonpayment thereof within forty-eight hours, to sign judgment for his costs of suit so taxed, or the plaintiff may reply that the sum paid into Court is not enough to satisfy the claim of the plaintiff in respect of the matter to which the plea is pleaded ; and, in the event of an issue thereon being found for the defendant, the defendant shall be entitled to judgment and his costs of suit.

LXXIV. Whereas certain causes of action may be considered to partake of the character both of breaches of contract and of wrongs, and doubts may arise as to the form of pleas in such actions, and it is expedient to preclude such doubts : any plea which shall be good in substance, shall not be objectionable on the ground of its treating the declaration either as framed for a breach of contract, or for a wrong.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Plea Puis
darrein con-
tinuance when and how to be pleaded.
Payment into
Court in cer-
tain Actions.

Payment into
Court, how
pleaded.

No order to
pay money
into Court.

Proceeding
by Plaintiff
after payment
into Court.

Pleas to Ac-
tions partaking
both of Breach
of Contract and
Wrong.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

Payment, set-off, and other pleadings which can be construed distributively shall be so construed.

Traverse of
 the Declara-
 tion

LXXV. Pleas of payment and set-off, and all other pleadings capable of being construed distributively, shall be taken distributively, and if issue is taken thereon, and so much thereof as shall be sufficient answer to part of the causes of action proved shall be found true by the jury, a verdict shall pass for the defendant in respect of so much of the causes of action as shall be answered, and for the plaintiff in respect of so much of the causes of action as shall not be so answered.

LXXVI. A defendant may either traverse generally such of the facts contained in the declaration as might have been denied by one plea, or may select and traverse separately any material allegation in the declaration, although it might have been included in a general traverse.

Traverse of
 Plea or subse-
 quent pleading
 of Defendant.

LXXVII. A plaintiff shall be at liberty to traverse the whole of any plea or subsequent pleading of the defendant by a general denial, or admitting some part or parts thereof, to deny all the rest, or to deny any one or more allegations.

Traverse of
 Replication or
 subsequent
 pleading of the
 Plaintiff.

LXXVIII. A defendant shall be at liberty in like manner to deny the whole or part of a replication or subsequent pleading of the plaintiff.

Joinder of issue.

LXXIX. Either party may plead, in answer to the plea or subsequent pleading of his adversary, that he joins issue thereon, which joinder of issue may be as follows or to the like effect :

“The plaintiff joins issue upon the defendant’s 1st (*dc.*, specifying what or what part) plea :”

“The defendant joins issue upon the plaintiff’s replication to the 1st (*dc.*, specifying what) plea :”

and such form of joinder of issue shall be deemed to be a denial of the substance of the plea or other subsequent pleading, and an issue thereon ; and in all cases where the plaintiff’s pleading is in denial of the pleading of the defendant, or some part of it, the plaintiff may add a joinder of issue for the defendant.

As to pleading
 and demurring
 together.

LXXX. Either party may, by leave of the Court or a Judge, plead and demur to the same pleading at the same time, upon an affidavit by such party, or his attorney, if required by the Court or Judge to the effect that he is advised and believes that he has just ground to traverse the several matters proposed to be traversed by him, and that the several matters sought to be pleaded as aforesaid by way of confession and avoidance are respectively true in substance and in fact, and that he is further advised and believes that the objections raised by such demurrer are good and valid objections in law, and it shall be in the discretion of the Court or a Judge to direct which issue shall be first disposed of.

Several mat-
 ters may be
 pleaded at
 any stage of
 the pleadings.

LXXXI. The plaintiff in any action may, by leave of the Court or a Judge, plead in answer to the plea, or the subsequent pleading of the defendant, as many several matters as he shall think necessary to sustain his action ; and the defendant in any action may, by leave of the Court or a Judge, plead in answer to the declaration, or other subsequent pleading of the plaintiff, as many several matters as he shall think necessary for his defence, upon an affidavit of the party making such application, or his attorney, if required by the Court or Judge, to the effect that he is advised and believes that he has just ground to traverse the several matters proposed to

be traversed by him, and that the several matters sought to be pleaded as aforesaid by way of confession and avoidance are respectively true in substance and in fact; provided that the costs of any issue, either of fact or law, shall follow the finding or judgment upon such issue, and be adjudged to the successful party, whatever may be the result of the other issue or issues.

LXXXII. No rule of Court for leave to plead several matters shall be necessary where a Judge's order has been made for the same purpose.

LXXXIII. All objections to the pleading of several pleas, replications, or subsequent pleadings, or several avowries or cognizances, on the ground that they are founded on the same ground of answer or defence, shall be heard upon the summons to plead several matters.

LXXXIV. The following pleas, or any two or more of them, may be pleaded together as of course, without leave of the Court or a Judge; that is to say, a plea denying any contract or debt alleged in the declaration; a plea of tender as to part; a plea of the statute of limitations, set-off, bankruptcy of the defendant, discharge under an insolvent Act, *plenè administravit*, *plenè administravit præter*, infancy, coverture, payment, accord and satisfaction, release, not guilty, a denial that the property an injury to which is complained of is the plaintiff's, leave and licence, son assault demeane, and any other pleas which the Judges of the said superior Courts, or any eight or more of them, of whom the chief Judges of the said Courts shall be three, shall by any rule or order, to be from time to time by them made in term or vacation, order or direct.

LXXXV. The signature of counsel shall not be required to any pleading.

LXXXVI. Except in cases herein specifically provided for, if either party plead several pleas, replications, avowries, cognizances, or other pleadings, without leave of the Court or a Judge, the opposite party shall be at liberty to sign judgment; provided that such judgment may be set aside by the Court or a Judge, upon an affidavit of merits, and such terms as to costs and otherwise as they or he may think fit.

LXXXVII. One new assignment only shall be pleaded to any number of pleas to the same cause of action; and such new assignment shall be consistent with and confined by the particulars delivered in the action, if any, and shall state that the plaintiff proceeds for causes of action different from all those which the pleas profess to justify, or for an excess over and above what all the defences set up in such pleas justify, or both.

LXXXVIII. No plea, which has already been pleaded to the declaration, shall be pleaded to such new assignment, except a plea in denial, unless by leave of the Court or a Judge; and such leave shall only be granted upon satisfactory proof that the repetition of such plea is essential to a trial on the merits.

LXXXIX. The form of a demurrer, except in the cases herein specifically provided for, shall be as follows, or to the like effect:

"The defendant, by his attorney (*or*, in person, *&c.*, *or* plaintiff) says, that the declaration (*or* plea, *&c.*) is bad in substance;"

and in the margin thereof some substantial matter of law intended

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Judge's order
to plead several
matters sufficient.

Objections to
pleadings to
be heard on
Summons to
plead several
matters.

Certain Pleas
may be pleaded
together with-
out leave.

Signature of
Counsel.

For pleading
several matters
without leave,
Judgment may
be signed.

One new
Assignment
only allowed
in respect of
the same
Cause of Action.

Pleas not to be
repeated.

Form of
Demurrer and
Joinder in
Demurrer.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

to be argued shall be stated; and if any demurrer shall be delivered without such statement, or with a frivolous statement, it may be set aside by the Court or a Judge, and leave may be given to sign judgment as for want of a plea; and the form of a joinder in demurrer shall be as follows, or to the like effect:

“The plaintiff (*or*, defendant) says that the declaration (*or*, plea, &c.) is good in substance.”

Time for
pleading after
amendment.

XC. Where an amendment of any pleading is allowed, no new notice to plead thereto shall be necessary; but the opposite party shall be bound to plead to the amended pleading within the time specified in the original notice to plead, or within two days after amendment, whichever shall last expire, unless otherwise ordered by the Court or a Judge; and in case the amended pleading has been pleaded to before amendment, and is not pleaded to *de novo* within two days after amendment, or within such other time as the Court or a Judge shall allow, the pleadings originally pleaded thereto shall stand and be considered as pleaded in answer to such amended pleading.

Examples of
Pleading.

And whereas it is desirable that examples should be given of the statements of causes of action, and of forms of pleading: Be it enacted as follows:

Forms in
Schedule may
be adopted.

XCII. The forms contained in the Schedule (B.) to this Act annexed shall be sufficient, and those and the like forms may be used, with such modifications as may be necessary to meet the facts of the case; but nothing herein contained shall render it erroneous or irregular to depart from the letter of such forms, so long as the substance is expressed without prolixity.

Judgment by
Default, and
ascertaining
amount to be
recovered.
Rule to com-
pute abolished.

And with respect to judgment by default, and the mode of ascertaining the amount to be recovered thereupon, be it enacted as follows:

Judgment by
Default for
liquidated
demands final.
Inquiry of
Damages may
be directed to
take place
before the
Master.

XCIII. No rule to compute shall be necessary or used; but nothing in this Act contained shall invalidate any proceedings already taken or to be taken by reason of any rule to compute made, or applied for, before the commencement of this Act.

XCIII. In actions where the plaintiff seeks to recover a debt or liquidated demand in money, judgment by default shall be final.

XCIV. In actions in which it shall appear to the Court or a Judge that the amount of damages sought to be recovered by the plaintiff is substantially a matter of calculation, it shall not be necessary to issue a writ of inquiry, but the Court or a Judge may direct that the amount, for which final judgment is to be signed, shall be ascertained by one of the masters of the said Court; and the attendance of witnesses and the production of documents before such master may be compelled by the subpoena, in the same manner as before a jury upon a writ of inquiry; and it shall be lawful for such master to adjourn the inquiry from time to time, as occasion may require: and the master shall indorse upon the rule or order for referring the amount of damages to him, the amount found by him, and shall deliver the rule or order, with such indorsement, to the plaintiff; and such and the like proceedings may thereupon be had as to taxation of costs, signing judgment, and otherwise, as upon the finding of a jury upon a writ of inquiry.

XCV. In all actions where the plaintiff recovers a sum of

money, the amount to which he is entitled may be awarded to him by the judgment generally, without any distinction being therein made as to whether such sum is recovered by way of a debt or damages.

XCVI. Nothing in this Act contained shall in any way affect the provisions of a certain Act of Parliament passed in the Session of Parliament holden in the eighth and ninth years of the reign of His Majesty King William the Third, entitled, "An Act for the better preventing frivolous and vexatious Suits, as to the assignment or suggestion of Breaches, or as to judgment for a penalty as a security for Damages in respect of further Breaches."

And with respect to notice of trial and inquiry, and countermand thereof, be it enacted as follows:

XCVII. Ten days' notice of trial or inquiry, shall be given, and shall be sufficient in all cases, whether at Bar or Nisi Prius, in town or country, unless otherwise ordered by the Court or a Judge.

XCVIII. A countermand of notice of trial shall be given four days before the time mentioned in the notice of trial, unless short notice of trial has been given, and then two days before the time mentioned in the notice of trial, unless otherwise ordered by the Court or a Judge, or by consent.

XCIX. A rule for costs of the day for not proceeding to trial pursuant to notice, or not countermanding in sufficient time, may be drawn up on affidavit, without motion.

And with respect to judgment for default in not proceeding to trial, be it enacted as follows:

C. The Act passed in the fourteenth year of the reign of His Majesty King George the Second, entitled, "An Act to prevent inconveniences arising from Delays of Causes after issue joined," so far as the same relates to judgment as in the case of a nonsuit, shall be and the same is hereby repealed, except as to proceedings taken or commenced thereupon before the commencement of this Act.

CI. Where any issue is or shall be joined in any cause, and the plaintiff has neglected or shall neglect to bring such issue on to be tried, that is to say, in town causes where issue has been or shall be joined in, or in the vacation before, any term, for instance, Hilary term, and the plaintiff has neglected or shall neglect to bring the issue on to be tried during or before the following term and vacation, for instance, Easter term and vacation, and in country causes where issue has been or shall be joined in, or in the vacation before, Hilary or Trinity term, and the plaintiff has neglected or shall neglect to bring the issue on to be tried at or before the second assizes following such term, or if issue has been or shall be joined in, or in the vacation before Easter or Michaelmas term, then, if the plaintiff has neglected or shall neglect to bring the issue on to be tried at or before the first assizes after such term, whether the plaintiff shall in the mean time have given notice of trial or not, the defendant may give twenty days' notice to the plaintiff to bring the issue on to be tried at the sittings or assizes, as the case may be, next after the expiration of the notice; and if the plaintiff afterwards neglects to give notice of trial for such sittings or assizes, or to proceed to trial in pursuance of the said notice given by the defendant, the defendant may suggest on the record that the plaintiff has failed to proceed to trial,

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.

c. 76,
in force.

Saving as to
certain provi-
sions of 8 & 9
W. 3, c. 11.

Notice of Trial,
Inquiry, and
Countermand.
Time for Notice
of Trial and
Inquiry.

Notice of
Countermand.

Costs of the
day.

Judgment for
not proceeding
to Trial.
Statute 14 G.
2, c. 17, as to
Judgment in
case of Non-
suit repealed.

Proceeding
where Plaintiff
neglects to bring
on the cause to
be tried.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Writs of
Scire facias
in other cases
to be tested,
directed, and
proceeded upon
in like manner.

Appearance to
writ of Revivor.

As to Issue of
Writ of Revivor
upon Judgment
more than
Ten years old.
Death, Mar-
riage, and
Bankruptcy.
Action not
to abate by
Death.

Proceedings
in case of
Death of
one or more
of several
Plaintiffs or
Defendants.

Proceedings
in case of
sole Plaintiff.

Proceeding
upon death
of sole or
sole surviving
Defendant.

the parties respectively to costs shall be the same as in an ordinary action.

CXXXII. All writs of scire facias issued out of any of the Superior Courts of Law at Westminster against bail on a recognizance; ad audiendum errores; against members of a joint stock company or other body, upon a judgment recorded against a public officer or other person sued as representing such company or body, or against such company or body itself; by or against a husband to have execution of a judgment for or against a wife; for restitution after a reversal in error; upon a suggestion of further breaches after judgment for any penal sum, pursuant to the statute passed in the session held in the eighth and ninth years of the reign of King William the Third, entitled "An Act for the better preventing Frivolous and Vexatious Suits;" or for recovery of land taken under an elegit, shall be tested, directed, and proceeded upon in like manner as writs of revivor.

CXXXIII. Notice in writing to the plaintiff, his attorney, or agent, shall be sufficient appearance to a writ of revivor.

CXXXIV. A writ of revivor to revive a judgment less than ten years old shall be allowed without any rule or order; if more than ten years old, not without a rule of Court or a Judge's order; nor, if more than fifteen, without a rule to show cause.

And with respect to the effect of death, marriage, and bankruptcy upon the proceedings in an action, be it enacted as follows:

CXXXV. The death of a plaintiff or defendant shall not cause the action to abate, but it may be continued as hereinafter mentioned.

CXXXVI. If there be two or more plaintiffs or defendants, and one or more of them should die, if the cause of such action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants.

CXXXVII. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of such plaintiff may, by leave of the Court or a Judge, enter a suggestion of the death, and that he is such legal representative, and the action shall thereupon proceed, and if such suggestion be made before the trial, the truth of the suggestion shall be tried thereat, together with the title of deceased plaintiff, and such judgment shall follow upon the verdict in favour of or against the person making such suggestion, as if such person were originally the plaintiff.

CXXXVIII. In case of the death of a sole defendant or sole surviving defendant, where the action survives, the plaintiff may make a suggestion, either in any of the pleadings, if the cause has not arrived at issue, or in a copy of the issue, if it has so arrived, of the death, and that a person named therein is the executor or administrator of the deceased; and may thereupon serve such executor or administrator with a copy of the writ and suggestion, and with a notice, signed by the plaintiff or his attorney, requiring such executor or administrator to appear within eight days after service of the notice, inclusive of the day of such service, and that in default of his so doing the plaintiff may sign judgment against him as such executor or administrator; and the same proceedings

may be had and taken in case of non-appearance after such notice, as upon a writ against such executor or administrator in respect of the cause for which the action was brought; and in case no pleadings have taken place before the death, the suggestion shall form part of the declaration, and the declaration and suggestion may be served together, and the new defendant shall plead thereto at the same time; and in case the plaintiff shall have declared, but the defendant shall not have pleaded before the death, the new defendant shall plead at the same time to the declaration and suggestion; and in case the defendant shall have pleaded before the death, the new defendant shall be at liberty to plead to the suggestion only by way of denial, or such plea as may be appropriate to and rendered necessary by his character of executor or administrator, unless by leave of the Court or a Judge, he should be permitted to plead fresh matter in answer to the declaration; and in case the defendant shall have pleaded before the death, but the pleadings shall not have arrived at issue, the new defendant, besides pleading to the suggestion, shall continue the pleadings to issue in the same manner as the deceased might have done, and the pleadings upon the declaration and the pleadings upon the suggestion shall be tried together; and in case the plaintiff shall recover, he shall be entitled to the like judgment in respect to the debt or sum sought to be recovered and in respect of the cost prior to the suggestion, and in respect of the costs of the suggestion and subsequent thereto, he shall be entitled to the like judgment as in an action originally commenced against the executor or administrator.

CCXXXIX. The death of either party between the verdict and the judgment, shall not hereafter be alleged for error, so as such judgment be entered within two terms after such verdict.

CXL. If the plaintiff in any action happen to die after an interlocutory judgment and before a final judgment obtained therein, the said action shall not abate by reason thereof, if such action might be originally prosecuted or maintained by the executor or administrator of such plaintiff; and if the defendant die after such interlocutory judgment and before final judgment therein obtained, the said action shall not abate, if such action might be originally prosecuted or maintained against the executor or administrator of such defendant; and the plaintiff, or if he be dead after such interlocutory judgment, his executors or administrators, shall and may have a writ of revivor, in the form contained in the Schedule (A.) to this Act annexed, marked No. 9, or to the like effect, against the defendant, if living after such interlocutory judgment, or if he be dead, then against his executors or administrators, to show cause why damages in such action should not be assessed and recovered by him or them; and if such defendant, his executors or administrators, shall appear at the return of such writ, and not show or allege any matter sufficient to arrest the final judgment, or shall make default, a writ of inquiry of damages shall be thereupon awarded, or the amount, for which final judgment is to be signed, shall be referred to one of the Masters, as hereinbefore provided; and upon the return of the writ, or delivery of the order with the amount indorsed thereon to the plaintiff, his executors or administrators, judgment final shall be given for the said plaintiff, his executors or administrators, prosecuting such writ of revivor, against such defendant, his executors or administrators respectively.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Death between
Verdict and
Judgment.

Proceedings
in case of
Death after
Interlocutory,
and before
final Judgment.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

Marriage not
 to abate
 Action.

Bankruptcy
 and Insolvency
 of Plaintiff
 when not to
 abate Action.

Arrest of
 Judgment, and
 Judgment non
 obstante veredicto.
 Upon Motion
 in arrest of
 Judgment,
 pursuant to
 1 W. 4, c. 7,
 or for Judgment Non
 obstante veredicto, omitted
 Facts may by
 leave of the
 Court be suggested.

Judgment to
 follow result
 of Suggestion.

Costs of
 abortive Issues.

CXLI. The marriage of a woman plaintiff or defendant shall not cause the action to abate, but the action may, notwithstanding, be proceeded with to judgment; and such judgment may be executed against the wife alone, or, by suggestion or writ of revivor pursuant to this Act, judgment may be obtained against the husband and wife, and execution issue thereon; and in case of a judgment for the wife, execution may be issued thereupon by the authority of the husband without any writ of revivor or suggestion; and if in any such action the wife shall sue or defend by attorney appointed by her when sole, such attorney shall have authority to continue the action or defence, unless such authority be countermanded by the husband, and the attorney changed according to the practice of the Court.

CXLII. The bankruptcy or insolvency of the plaintiff in any action which the assignees might maintain for the benefit of the creditors, shall not be pleaded in bar to such action, unless the assignees shall decline to continue, and give security for the costs thereof upon a Judge's order to be obtained for that purpose, within such reasonable time as the Judge may order, but the proceedings may be stayed until such election is made; and in case the assignees neglect or refuse to continue the action, and give such security within the time limited by the order, the defendant may, within eight days after such neglect or refusal, plead the bankruptcy.

And with respect to the proceedings upon motions to arrest the judgment, and for judgment non obstante veredicto, be it enacted as follows:

CXLIII. Upon any motion made in arrest of judgment, or to enter an arrest of judgment, pursuant to the statute passed in the first year of His late Majesty King William the Fourth, entitled "An Act for the more speedy judgment and execution in actions brought in His Majesty's Courts of Law at Westminster, and in the Court of Common Pleas of the County Palatine of Lancaster, and for amending the law as to judgment on a cognovit actionem in cases of bankruptcy, or for judgment non obstante veredicto, by reason of the non-averment of some alleged material fact or facts or material allegation, or other cause," the party, whose pleading is alleged or adjudged to be therein defective, may, by leave of the Court, suggest the existence of the omitted fact or facts, or other matter, which, if true, would remedy the alleged defect; and such suggestion may be pleaded to by the opposite party within eight days after notice thereof, or such further time as the Court or a Judge may allow; and the proceedings for trial of any issues joined upon such pleadings shall be the same as in an ordinary action.

CXLIV. If the fact or facts suggested be admitted, or found to be true, the party suggesting shall be entitled to such judgment as he would have been entitled to, if such fact or facts or allegations had been originally stated in such pleading, and proved or admitted on the trial, together with the costs of, and occasioned by, the suggestion and proceedings thereon; but if such fact or facts be found untrue, the opposite party shall be entitled to his costs of, and occasioned by, the suggestion and proceedings thereon, in addition to any other costs to which he may be entitled.

CXLV. Upon an arrest of judgment, or judgment non obstante

verdicto, the Court shall adjudge to the party, against whom such judgment is given, the costs occasioned by the trial of any issues of fact, arising out of the pleading for defect of which such judgment is given, upon which such party shall have succeeded; and such costs shall be set off against any money or costs adjudged to the opposite party, and execution may issue for the balance, if any.

No. 7.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

And with respect to proceedings in error, be it enacted as follows:

*CXLVI. No judgment in any cause shall be reversed or avoided for any error or defect therein, unless error be commenced, or brought and prosecuted with effect, within six years after such judgment signed or entered of record.

Error to be
brought within
Six years.

CXLVII. If any person that is or shall be entitled to bring error as aforesaid is or shall be, at the time of such title accrued, within the age of twenty-one years, femme covert, *non compos mentis*, or beyond the seas, then such person shall be at liberty to bring error as aforesaid, so as such person commences, or brings and prosecutes the same with effect within six years after coming to or being of full age, discover, of sound memory, or return from beyond the seas; and if the opposite party shall, at the time of the judgment signed or entered of record, be beyond the seas, then error may be brought, provided the proceedings be commenced and prosecuted with effect within six years after the return of such party from beyond seas.

Proviso for
Disabilities.

CXLVIII. A writ of error shall not be necessary or used in any cause, and the proceeding to error shall be a step in the cause, and shall be taken in manner hereinafter mentioned; but nothing in this Act contained shall invalidate any proceedings already taken or to be taken by reason of any writ of error issued before the commencement of this Act.

Writ of Error
abolished.

CXLIX. Either party alleging error in law may deliver to one of the Masters of the Court a memorandum in writing, in the form contained in the schedule (A.) to this Act annexed, marked No. 10, or to the like effect, entitled in the Court and cause, and signed by the party or his attorney, alleging that there is error in law in the record and proceedings; whereupon the master shall file such memorandum, and deliver to the party lodging the same a note of the receipt thereof; and a copy of such note, together with a statement of the grounds of error intended to be argued, may be served on the opposite party or his attorney.

Error in Law
how brought.

CL. Proceedings in error in law shall be deemed a supersedeas of execution from the time of the service of the copy of such note, together with the statement of the grounds of error intended to be argued, until default in putting in bail, or an affirmation of the judgment, or discontinuance of the proceedings in error, or until the proceedings in error shall be otherwise disposed of without a reversal of the judgment: Provided always, that if the grounds of error shall appear to be frivolous, the Court or a Judge upon summons may order execution to issue.

Error not
Supersedeas
till Service of
the copy of
the Note and
grounds of
Error.

CLI. Upon any judgment hereafter to be given in any of the said superior Courts of Common Law in any action, execution shall not be stayed or delayed by proceedings in error, or supersedeas thereupon, without the special order of the Court or a Judge, unless the person in whose name such proceedings in error be brought,

Bail in Error.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

with two, or, by leave of the Court or a Judge, more than two sufficient sureties, such as the Court (wherein such judgment is or shall be given) or a Judge shall allow of, shall, within four clear days after lodging the memorandum alleging error, or after the signing of the judgment, whichever shall last happen, or before execution executed, be bound unto the party for whom any such judgment is or shall be given, by recognizance to be acknowledged in the same Court, in double the sum adjudged to be recovered by the said judgment, (except in case of a penalty, and in case of a penalty in double the sum really due, and double the costs,) to prosecute the proceedings in error with effect, and also to satisfy and pay (if the said judgment be affirmed, or the proceedings in error be discontinued by the plaintiff therein,) all and singular the sum or sums of money and costs adjudged or to be adjudged upon the former judgment, and all costs and damages to be also awarded for the delaying of execution, and shall give notice thereof to the defendant in error, or his attorney.

Suggestion
 instead of
 Assignment of
 and Joinder in
 Error.

CLII. The assignment of and joinder in error in law shall not be necessary or used, and, instead thereof, a suggestion to the effect that error is alleged by the one party and denied by the other, may be entered on the judgment roll in the form contained in schedule (A.) to this Act annexed, marked No. 11, or to the like effect: Provided that in case the defendant in error intends to rely upon the proceeding in error being barred by lapse of time, or by release of error, or other like matter of fact, he may give four days' written notice to the plaintiff in error to assign error as heretofore, instead of entering the suggestion; and he shall, within eight days, plead thereto the bar by lapse of time, or release of error, or other like matter of fact; and thereupon such proceedings may be had as heretofore.

Roll to be
 made up and
 Suggestion
 entered by
 Plaintiff in
 Error.

CLIII. The roll shall be made up, and the suggestion last aforesaid entered by the plaintiff in error within ten days after the service of the note of the receipt of the memorandum alleging error, or within such other time as the Court or a Judge may order; and in default thereof, or of assignment of error in cases where an assignment is required, the defendant in error, his executors or administrators, shall be at liberty to sign judgment of non-pros.

Error brought
 by one of
 several persons
 against whom
 Judgment has
 been given.

CLIV. In case error be brought upon a judgment given against several persons, and one or some only shall proceed in error, the memorandum alleging error, and the note of the receipt of such memorandum, shall state the names of the persons by whom the proceedings are taken; and in case the other persons, against whom judgment has been given, decline to join in the proceedings in error, the same may be continued, and the suggestion last aforesaid entered, stating the persons by whom the proceedings are brought, without any summons and severance, or if such other persons elect to join, then the suggestion shall state them to be, and they shall be deemed as plaintiffs in error, although not mentioned as such in the previous proceedings.

Judgment Roll
 to be brought
 into Court
 instead of
 Transcript.

CLV. Upon such suggestion of error alleged and denied being entered, the cause may be set down for argument in the Court of Error in the manner heretofore used; and the judgment roll shall without any writ or return, be brought by the Master into the Court of Error in the Exchequer Chamber, before the Justices, or Justices and Barons, as the case may be, of the other two superior

Courts of Common Law, on the day of its sitting, at such time as the Judges shall appoint, either in term or in vacation : or if the proceedings in error be before the High Court of Parliament, then before the High Court of Parliament, before or at the time of its sitting ; and the Court of Error shall and may thereupon review the proceedings, and give judgment as they shall be advised thereon ; and such proceedings and judgment, as altered or affirmed, shall be entered on the original record ; and such further proceedings as may be necessary thereon shall be awarded by the Court in which the original judgment was given.

CLVI. Courts of Error shall have power to quash the proceedings in error in all cases in which error does not lie, or where they are taken against good faith, or in any case in which proceedings in error might heretofore have been quashed by such Courts ; and such Courts shall in all respects have such jurisdiction over the proceedings as over the proceedings in error commenced by writ of error.

CLVII. Courts of Error shall in all cases have power to give such judgment and award such process, as the Court, from which error is brought, ought to have done, without regard to the party alleging error.

CLVIII. Either party alleging error in fact may deliver to one of the Masters of the Court a memorandum in writing, in the form contained in the Schedule (A.) to this Act annexed, marked No. 12, or to the like effect, entitled in the Court and cause, and signed by the party or his attorney, alleging that there is error in fact in the proceedings, together with an affidavit of the matter of fact in which the alleged error consists ; whereupon the Master shall file such memorandum and affidavit, and deliver to the party lodging the same a note of the receipt thereof ; and a copy of such note and affidavit may be served on the opposite party or his attorney ; and such service shall have the same effect, and the same proceedings may be had thereafter as heretofore had after the service of the rule for allowance of a writ of error in fact.

CLIX. The plaintiff in error, whether in fact or law, shall be at liberty to discontinue his proceedings by giving to the defendant in error a notice, headed in the Court and cause, and signed by the plaintiff in error or his attorney, stating that he discontinues such proceedings ; and thereupon the defendant in error may sign judgment for the costs of, and occasioned by, the proceedings in error, and may proceed upon the judgment on which the error was brought.

CLX. The defendant in error whether in fact or law shall be at liberty to confess error, and consent to the reversal of the judgment, by giving to the plaintiff in error a notice, headed in the Court and cause, and signed by the defendant in error or his attorney, stating that he confesses the error, and consents to the reversal of the judgment ; and thereupon the plaintiff in error shall be entitled to and may forthwith sign a judgment of reversal.

CLXI. The death of a plaintiff in error after service of the note of the receipt of the memorandum alleging error, with a statement of the grounds of error, shall not cause the proceedings to abate, but they may be continued as hereinafter mentioned.

CLXII. In case of the death of one of several plaintiffs in error,

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Jurisdiction
of Courts of
Error over the
Proceedings.

Court of Error
to have like
powers with
Court below.

Proceedings
in Error in
Fact.

Plaintiff may
discontinue
Proceedings in
Error.

Defendant
may confess
Error, and
consent to
Reversal of
Judgment.

Death of
Plaintiff in
Error no
abatement.

Providing for
Death of one of several Plaintiffs in Error.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

Proceedings
 upon Death of
 sole Plaintiff
 or of all the
 Plaintiffs in
 Error.

Death of the
 Defendant
 in Error no
 abatement.
 Proceedings
 upon Death of
 one of several
 Defendants in
 Error.

Proceedings
 upon Death of
 sole Defendant
 or of all the
 Defendants in
 Error.

Marriage not
 to abate
 Proceedings in
 Error.

Ejectment.

Ejectment to
 be brought
 by Writ.

Form and
 duration of
 Writ of
 Ejectment.

a suggestion may be made of the death, which suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the proceedings may be thereupon continued at the suit of, and against the surviving plaintiff in error, as if he were the sole plaintiff.

CLXIII. In case of the death of a sole plaintiff or of several plaintiffs in error, the legal representative of such plaintiff or of the surviving plaintiff may, by leave of the Court or a Judge, enter a suggestion of the death, and that he is such legal representative, which suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the proceedings may thereupon be continued at the suit of, and against such legal representative as the plaintiff in error; and, if no such suggestion shall be made, the defendant in error may proceed to an affirmance of the judgment according to the practice of the Court, or take such other proceedings thereupon as he may be entitled to.

CLXIV. The death of a defendant in error shall not cause the proceedings to abate, but they may be continued as hereinafter mentioned.

CLXV. In case of the death of one of several defendants in error, a suggestion may be made of the death, which suggestion shall not be traversable, but only be subject to be set aside if untrue, and the proceedings may be continued against the surviving defendant.

CLXVI. In case of the death of a sole defendant or of all the defendants in error, the plaintiff in error may proceed upon giving ten days' notice of the proceedings in error, and of his intention to continue the same, to the representatives of the deceased defendants, or if no such notice can be given them, by leave of the Court or a Judge, upon giving such notice to the parties interested as he or they may direct.

CLXVII. The marriage of a woman, plaintiff or defendant in error, shall not abate the proceedings in error, but the same may be continued in like manner as hereinbefore provided with reference to the continuance of an action after marriage.

And with respect to the action of ejectment, be it enacted as follows:

CLXVIII. Instead of the present proceeding by ejectment, a writ shall be issued, directed to the persons in possession by name, and to all persons entitled to defend the possession of the property claimed, which property shall be described in the writ with reasonable certainty.

CLXIX. The writ shall state the names of all the persons in whom the title is alleged to be, and command the persons to whom it is directed, to appear, within sixteen days after service thereof, in the Court from which it is issued, to defend the possession of the property sued for, or such part thereof as they may think fit, and it shall contain a notice that in default of appearance they will be turned out of possession: and the writ shall bear teste of the day on which it is issued, and shall be in force for three months, and shall be in the form contained in the Schedule (A.) to this Act annexed, marked No. 13, or to the like effect; and the name and abode of the attorney issuing the same, or, if no attorney, the name and residence of the party, shall be indorsed thereon, in like manner as hereinbefore enacted with reference to the indorsements

on a writ of summons in a personal action; and the same proceedings may be had to ascertain whether the writ was issued by the authority of the attorney whose name was indorsed thereon, and who and what the claimants are, and their abode, and as to staying the proceedings upon writs issued without authority, as in the case of writs in personal actions.

CLXX. The writ shall be served in the same manner as an ejectment has heretofore been served, or in such manner as the Court or a Judge shall order, and in case of vacant possession, by posting a copy thereof upon the door of the dwelling house or other conspicuous part of the property.

CLXXI. The persons named as defendants in such writ, or either of them, shall be allowed to appear within the time appointed.

CLXXII. Any other person not named in such writ shall, by leave of the Court or a Judge, be allowed to appear and defend, on filing an affidavit showing that he is in possession of the land either by himself or his tenant.

CLXXIII. Any person appearing to defend as landlord in respect of property, whereof he is in possession only by his tenant, shall state in his appearance that he appears as landlord: and such person shall be at liberty to set up any defence which a landlord appearing in an action of ejectment has heretofore been allowed to set up, and no other.

CLXXIV. Any person appearing to such writ shall be at liberty to limit his defence to a part only of the property mentioned in the writ, describing that part with reasonable certainty in a notice entitled in the Court and cause, and signed by the party appearing or his attorney; such notice to be served within four days after appearance upon the attorney whose name is indorsed on the writ, if any, and if none, then to be filed in the Master's office; and an appearance without such notice confining the defence to part, shall be deemed an appearance to defend for the whole.

CLXXV. Want of "reasonable certainty" in the description of the property, or part of it, in the writ of notice, shall not nullify them, but shall only be ground for an application to a Judge for better particulars of the land claimed or defended, which a Judge shall have power to give in all cases.

CLXXVI. The Court or a Judge shall have power to strike out or confine appearances and defences set up by persons not in possession by themselves or their tenants.

CLXXVII. In case no appearance shall be entered into within the time appointed, or if an appearance be entered, but the defence be limited to part only, the plaintiffs shall be at liberty to sign a judgment that the person whose title is asserted in the writ shall recover possession of the land, or of the part thereof to which the defence does not apply; which judgment, if for all, may be in the form contained in the Schedule (A.) to this Act annexed, marked No. 14, or to the like effect, and if for part, may be in the form contained in the Schedule (A.) to this Act annexed, marked No. 15, or to the like effect.

CLXXVIII. In case an appearance shall be entered, an issue may once be made up, without any pleadings, by the claimants or their attorney, setting forth the writ, and stating the fact of the appearance, with its date, and the notice limiting the defence, if

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Service of
Writ of
Ejectment.

Appearance
of Persons
named in the
Writ.

Appearance
of Persons not
named.

Appearance
and Defence
by Landlord.

Notice to
defend for
part only.

Want of cer-
tainty cured by
particulars.

Defence by
persons not in
possession.

Judgment for
Default of Ap-
pearance or
Defence.

Issue how
made up.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

Special case
 may be stated.

Trial of Issue.

Verdict when
 Title appears
 to have expired
 before Trial.

Trial may be
 ordered to take
 place in any
 County.

Non-appearance
 at Trial.

Special Verdict,
 and Bill of
 Exceptions.
 Judgment upon
 Finding for
 Claimant.

Judgment upon
 finding for
 Defendant.

Execution for
 Recovery of
 Possession and Costs

any, of each of the persons appearing, so that it may appear for what defence is made, and directing the Sheriff to summon a jury; and such issue, in case defence is made for the whole, may be in the form contained in Schedule (A.) to this Act annexed, marked No. 16, or to the like effect, and in case defence is made for part, may be in the form contained in the Schedule (A.) to this Act annexed, marked No. 15, or to the like effect.

CLXXXIX. By consent of the parties, and by leave of a Judge, a special case may be stated according to the practice heretofore used.

CLXXX. The claimants may, if no special case be agreed to, proceed to trial upon the issue, in the same manner as in other actions; and the particulars of the claim and defence, if any, or copies thereof, shall be annexed to the record by the claimants; and the question at the trial shall, except in the cases hereafter mentioned, be, whether the statement in the writ of the title of the claimants is true or false, and, if true, then which of the claimants is entitled, and whether to the whole or part, and if to part, then to which part of the property in question; and the entry of the verdict may be made in the form contained in the Schedule (A.) to this Act annexed, marked No. 17, or to the like effect, with such modifications as may be necessary to meet the facts.

CLXXXI. In case the title of the claimant shall appear to have existed as alleged in the writ, and at the time of service thereof, but it shall also appear to have expired before the time of trial, the claimant shall, notwithstanding, be entitled to a verdict according to the fact that he was so entitled at the time of bringing the action and serving the writ, and to a judgment for his cost of suit.

CLXXXII. The Court or a Judge may, on the application of either party, order that the trial shall take place in any county or place other than that in which the venue is laid; and such order being suggested on the record, the trial may be had accordingly.

CLXXXIII. If the defendant appears, and the claimant does not appear at the trial, the claimant shall be nonsuited; and if the claimant appears, and the defendant does not appear, the claimant shall be entitled to recover as heretofore, without any proof of his title.

CLXXXIV. The jury may find a special verdict, or either party may tender a Bill of Exceptions.

CLXXXV. Upon a finding for the claimant, judgment may be signed, and execution issue for the recovery of possession of the property, or such part thereof as the jury shall find the claimant entitled to, and for costs, within such time, not exceeding the fifth day in term after the verdict, as the Court or Judge before whom the cause is tried shall order; and if no such order be made, then on the fifth day in term after the verdict, or within fourteen days after such verdict, whichever shall first happen.

CLXXXVI. Upon a finding for the defendants, or any of them, judgment may be signed, and execution issue for costs against the claimants named in the writ, within such time, not exceeding the fifth day in term after the verdict, as the Court or Judge before whom the cause is tried shall order; and if no such order be made, then on the fifth day in term after the verdict, or within fourteen days after such verdict, whichever shall first happen.

CLXXXVII. Upon any judgment in ejectment for recovery of possession and costs, there may be either one writ or separate writs

of execution for the recovery of possession and for the costs, at the election of the claimant.

CLXXXVIII. In case of such an action being brought by some or one of several persons entitled as joint tenants, tenants in common, or coparceners, any joint tenant, tenant in common, or coparcener in possession, may, at the time of appearance, or within four days after, give notice in the same form as in the notice of a limited defence, that he or she defends as such, and admits the right of the claimant to an undivided share of the property, (stating what share,) but denies any actual ouster of him from the property, and may, within the same time, file an affidavit stating with reasonable certainty that he or she is such joint tenant, tenant in common, or coparcener, and the share of such property to which he or she is entitled, and that he or she has not ousted the claimant; and such notice shall be entered in the issue in the same manner as the notice limiting the defence, and upon the trial of such an issue the additional question of whether an actual ouster has taken place shall be tried.

CLXXXIX. Upon the trial of such issue as last aforesaid, if it shall be found that the defendant is joint tenant, tenant in common, or coparcener with the claimant, then the question whether an actual ouster has taken place shall be tried, and unless such actual ouster shall be proved, the defendant shall be entitled to judgment and costs; but if it shall be found either that the defendant is not such joint tenant, tenant in common, or coparcener, or that an actual ouster has taken place, then the claimant shall be entitled to such judgment for the recovery of possession and costs.

CXC. The death of a claimant or defendant shall not cause the action to abate, but it may be continued as hereinafter mentioned.

CXCI. In case the right of the deceased claimant shall survive to another claimant, a suggestion may be made of the death, which suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the action may proceed at the suit of the surviving claimant; and if such a suggestion shall be made before the trial, then the claimant shall have a verdict and recover such judgment as aforesaid, upon its appearing that he was entitled to bring the action either separately or jointly with the deceased claimant.

CXCII. In case of the death before trial of one of several claimants whose right does not survive to another or others of the claimants where the legal representative of the deceased claimant shall not become a party to the suit in the manner hereinafter mentioned, a suggestion may be made of the death, which suggestion shall not be traversable, but shall only be subject to be set aside if untrue, and the action may proceed at the suit of the surviving claimant for such share of the property as he is entitled to, and costs.

CXCIII. In case of a verdict for two or more claimants, if one of such claimants die before execution executed, the other claimant may, whether the legal right to the property shall survive or not, suggest the death in manner aforesaid, and proceed to judgment and execution for recovery of possession of the entirety of the property and the costs; but nothing herein contained shall affect the right of the legal representative of the deceased claimant, or the

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Defence by
Joint Tenants,
Tenants in
Common, or
Coparcener.

Trial and
Judgment in
Ejectment
against Joint
Tenants,
Tenants in
common, and
Coparceners.

Action not to
abate by
Death.

Proceeding
upon Death
before Trial
where right
survives.

Proceedings
upon Death
before Trial,
where right
does not sur-
vive.

Upon Death of
one of several
Claimants
having obtained
a Verdict.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Proceedings
in case of
Death of
Claimant
where right
does not sur-
vive.

Proceedings
upon Death
of one of
several joint
Defendants.

Upon death
of all the
Defendants
in Ejectment
before Trial.

Upon Death of
all Defendants
in Ejectment after Verdict.

liability of the surviving claimant to such legal representative; and the entry and possession of such surviving claimant under such execution shall be considered as an entry and possession on behalf of such legal representative in respect of the share of the property to which he shall be entitled as such representative, and the Court may direct possession to be delivered accordingly.

CXCIV. In case of the death of a sole claimant, or, before trial, of one of several claimants, whose right does not survive to another or others of the claimants, the legal representative of such claimant may, by leave of the Court or a Judge, enter a suggestion of the death, and that he is such legal representative, and the action shall thereupon proceed; and if such suggestion be made before the trial, the truth of the suggestion shall be tried thereat, together with the title of the deceased claimant, and such judgment shall follow upon the verdict in favour of or against the person making such suggestion, as hereinbefore provided with reference to a judgment for or against such claimant; and in case such suggestion in the case of a sole claimant be made after trial and before execution executed by delivery of possession thereupon, and such suggestion be denied by the defendant within eight days after notice thereof, or such further time as the Court or a Judge may allow, then such suggestion shall be tried; and if, upon the trial thereof, a verdict shall pass for the person making such suggestion, he shall be entitled to such judgment as aforesaid for the recovery of possession, and for the costs of and occasioned by such suggestion; and in case of a verdict for the defendant such defendant shall be entitled to such judgment as aforesaid for costs.

CXCV. In case of the death, before or after judgment, of one of several defendants in ejectment, who defend jointly, a suggestion may be made of the death, which suggestion shall not be traversable, but only be subject to be set aside if untrue, and the action may proceed against the surviving defendant to judgment and execution.

CXCVI. In case of the death of a sole defendant, or of all the defendants in ejectment, before trial, a suggestion may be made of the death, which suggestion shall not be traversable, but only be subject to be set aside if untrue, and the claimant shall be entitled to judgment for recovery of possession of the property, unless some other person shall appear and defend within the time to be appointed for that purpose by the order of the Court or a Judge, to be made upon the application of the claimants; and it shall be lawful for the Court or a Judge, upon such suggestion being made and upon such application as aforesaid, to order that the claimants shall be at liberty to sign judgment within such time as the Court or Judge may think fit, unless the person then in possession, by himself or his tenant, or the legal representative of the deceased defendant, shall within such time appear and defend the action; and such order may be served in the same manner as the writ; and in case such person shall appear and defend the same, proceedings may be taken against such new defendant as if he had originally appeared and defended the action; and if no appearance be entered and defence made, then the claimant shall be at liberty to sign judgment pursuant to the order.

CXCVII. In case of the death of a sole defendant or of all the defendants in ejectment after verdict, the claimants shall neverthe-

less be entitled to judgment as if no such death had taken place, and to proceed by execution for recovery of possession without suggestion or revivor, and to proceed for the recovery of the costs, in like manner as upon any other judgment for money, against the legal representatives of the deceased defendant or defendants.

CXCVIII. In case of the death before trial of one of several defendants in ejectment, who defends separately for a portion of the property for which the other defendant or defendants do not defend, the same proceedings may be taken as to such portion as in the case of the death of a sole defendant, or the claimants may proceed against the surviving defendants in respect of the portion of the property for which they defend.

CXCIX. In case of the death before trial of one of several defendants in ejectment, who defends separately in respect of property for which surviving defendants also defend, it shall be lawful for the Court or a Judge at any time before the trial to allow the person at the time of the death in possession of the property, or the legal representative of the deceased defendant, to appear and defend on such terms as may appear reasonable and just, upon the application of such person or representative; and if no such application be made or leave granted, the claimant, suggesting the death in manner aforesaid, may proceed against the surviving defendant or defendants to judgment and execution.

CC. The claimant in ejectment shall be at liberty at any time to discontinue the action as to one or more of the defendants, by giving to the defendant or his attorney a notice headed in the Court and cause, and signed by the claimant or his attorney, stating that he discontinues such action; and thereupon the defendant, to whom such notice is given, shall be entitled to and may forthwith sign judgment for costs in the form contained in the Schedule (A.) to this Act annexed, marked No. 18, or to the like effect.

CCI. In case one of several claimants shall be desirous to discontinue, he may apply to the Court or a Judge to have his name struck out of the proceedings, and an order may be made thereupon upon such terms as to the Court or Judge may seem fit, and the action shall thereupon proceed at the suit of the other claimants.

CCII. If after appearance entered the claimant, without going to trial, allow the time allowed for going to trial by the practice of the Court in ordinary cases after issue joined, to elapse, the defendant in ejectment may give twenty days notice to the claimant to proceed to trial at the sittings or assizes next after the expiration of the notice; and if the claimant afterwards neglects to give notice of trial for such sittings or assizes, or to proceed to trial in pursuance of the said notice given by the defendant, and the time for going to trial shall not be extended by the Court or a Judge, the defendant may sign judgment in the form contained in the Schedule (A.) to this Act annexed, marked No. 19, and recover the costs of defence.

CCIII. A sole defendant or all the defendants in ejectment shall be at liberty to confess the action as to the whole or part of the property, by giving to such claimant a notice headed in the Court and cause, and signed by the defendant or defendants, such signature to be attested by his or their attorney; and thereupon the claimant shall be entitled to and may forthwith sign judgment and issue execution for the recovery of possession and costs in the form

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Upon Death
before Trial
of Defendant
in Ejectment
who defends
separately for
part.
Upon Death
of Defendant
defending
separately
for property
in respect of
which others
also defend.

Claimant may
discontinue
by notice.

Discontinuance
of Action by
one of several
Claimants.

Judgment for
not proceeding
to Trial after
notice.

Defendant may
confess the
Action.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Confession by
 one of several
 Defendants de-
 fending sepa-
 rately for part.

Confession by
 one of several
 Defendants
 who defend for
 same property.

Formal Entry
 of Judgment
 on the Roll
 unnecessary
 for purposes
 of Execution.

Effect of
 Judgment.

Error and
 Bail in Error
 in Ejectment.

contained in the Schedule (A.) to this Act annexed, marked No. 20, or to the like effect.

CCIV. In case one of several defendants in ejectment, who defends separately for a portion of the property for which the other defendant or defendants do not defend, shall be desirous of confessing the claimant's title to such portion, he may give a like notice to the claimant; and thereupon the claimant shall be entitled to and may forthwith sign judgment and issue execution for the recovery of possession of such portion of the property, and for the costs occasioned by the defence relating to the same, and the action may proceed as to the residue.

CCV. In case one of several defendants in ejectment, who defends separately in respect of property for which other defendants also defend, shall be desirous of confessing the claimant's title, he may give a like notice thereof; and thereupon the claimant shall be entitled to and may sign judgment against such defendant for the costs occasioned by his defence, and may proceed in the action against the other defendants to judgment and execution.

CCVI. It shall not be necessary before issuing execution upon any judgment under the authority of this Act to enter the proceedings upon any roll, but an incipitur thereof may be made upon paper, shortly describing the nature of the judgment according to the practice heretofore used, and judgment may thereupon be signed and costs taxed, and execution issued, according to the practice heretofore used: Provided nevertheless, that the proceedings may be entered upon the roll whenever the same may become necessary for the purpose of evidence, or of bringing error, or the like.

CCVII. The effect of a judgment in an action of ejectment under this Act shall be the same as that of a judgment in the action of ejectment heretofore used.

CCVIII. Error may be brought in like manner as in other actions upon any judgment in ejectment, after a special verdict found by the jury, or a bill of exceptions, or by consent after a special case stated, but, except in the case of such consent as aforesaid, execution shall not be thereby stayed, unless the plaintiff in error shall, within four clear days after lodging the memorandum alleging error, or after the signing of the judgment, whichever shall last happen, or before execution executed, be bound unto the claimant, who shall have recovered judgment in such action of ejectment, in double the yearly value of the property, and double the costs recovered by the judgment, with condition, that if the judgment shall be affirmed by the Court of Error, or the proceedings in error be discontinued by the plaintiff therein, then the plaintiff in error shall pay such costs, damages, and sum or sums of money as shall be awarded upon or after such judgment affirmed or discontinuance; and it shall be lawful for the Court wherein execution ought to be granted upon such affirmation, or discontinuance, upon the application of the claimant, to issue a writ to inquire as well of the mesne profits as of the damage by any waste committed after the first judgment in ejectment, which writ may be tested on the day on which it shall issue, and be returnable immediately after the execution thereof; and upon the return thereof judgment shall be given, and execution awarded for such mesne profits and damages, and also for costs of suit.

CCIX. Every tenant to whom any writ in ejectment shall be given Notice of Ejectment to Landlord.

Tenants to
 give Notice of Ejectment to Landlord.

delivered, or to whose knowledge it shall come, shall forthwith give notice thereof to his landlord, or his bailiff or receiver, under penalty of forfeiting the value of three years improved or rack rent of the premises, demised or holden in the possession of such tenant, to the person of whom he holds, to be recovered by action in any Court of Common Law having jurisdiction for the amount.

CCX. In all cases between landlord and tenant, as often as it shall happen that one half-year's rent shall be in arrear, and the landlord or lessor, to whom the same is due, hath right by law to re-enter for the non-payment thereof, such landlord or lessor shall and may, without any formal demand or re-entry, serve a writ in ejectment for the recovery of the demised premises, or in case the same cannot be legally served, or no tenant be in actual possession of the premises, then such landlord or lessor may affix a copy thereof upon the door of any demised messuage, or in case such action in ejectment shall not be for the recovery of any messuage, then upon some notorious place of the lands, tenements, or hereditaments comprised in such writ in ejectment, and such affixing shall be deemed legal service thereof, which service or affixing such writ in ejectment shall stand in the place and stead of a demand and re-entry; and in case of judgment against the defendant for non-appearance, if it shall be made to appear to the Court where the said action is depending, by affidavit, or be proved upon the trial in case the defendant appears, that half a year's rent was due before the said writ was served, and that no sufficient distress was to be found on the demised premises, countervailing the arrears then due, and that the lessor had power to re-enter, then and in every such case the lessor shall recover judgment and execution, in the same manner as if the rent in arrear had been legally demanded, and a re-entry made; and in case the lessee or his assignee, or other person claiming or deriving under the said lease, shall permit and suffer judgment to be had and recovered on such trial in ejectment, and execution to be executed thereon, without paying the rent and arrears, together with full costs, and without proceeding for relief in equity within six months after such execution executed, then and in such case the said lessee, his assignee, and all other persons claiming and deriving under the said lease, shall be barred and foreclosed from all relief or remedy in law or equity, other than by bringing error for reversal of such judgment, in case the same shall be erroneous, and the said landlord or lessor shall from thenceforth hold the said demised premises discharged from such lease; and if on such ejectment a verdict shall pass for the defendant, or the claimant shall be nonsuited therein, then in every such case such defendant shall have and recover his costs; provided that nothing herein contained shall extend to bar the right of any mortgagee of such lease, or any part thereof, who shall not be in possession, so as such mortgagee shall and do, within six months after such judgment obtained and execution executed pay all rent in arrear, and all costs and damages sustained by such lessor or person entitled to the remainder or reversion as aforesaid, and perform all the covenants and agreements which on the part and behalf of the first lessee, are and ought to be performed.

CCXI. In case the said lessee, his assignee, or other person claiming any right, title, or interest, in law or equity, of, in, or to the said lease, shall, within the time aforesaid, proceed for relief in

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.

c. 76,
in force.

Proceedings
in Ejectment
by Landlord
for Non-pay-
ment of Rent.

Lessee pro-
ceeding in
Equity not to
have Injunc-

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

tion or relief
 without pay-
 ment of Kent
 and costs.

Tenant paying
 all Rent with
 Costs, proceed-
 ings to cease.

Ejectment by
 Landlord
 against Tenant
 holding over
 after expira-
 tion of term or
 determination
 of Tenancy by
 notice to quit.

Rule or Sum-
 mons for the
 Tenant to
 give Bail.

any court of equity, such person shall not have or continue any injunction against the proceedings at law on such ejectment, unless he does or shall, within forty days next after a full and perfect answer shall be made by the claimant in such ejectment, bring into Court and lodge with the proper officer such sum and sums of money as the lessor or landlord shall in his answer swear to be due and in arrear over and above all just allowances, and also the costs taxed in the said suit, there to remain till the hearing of the cause, or to be paid out to the lessor or landlord, on good security subject to the decree of the Court; and in case such proceedings for relief in equity shall be taken within the time aforesaid, and after execution is executed, the lessor or landlord shall be accountable only for so much and no more as he shall really and *bonâ fide*, without fraud, deceit, or wilful neglect, make of the demised premises from the time of his entering into the actual possession thereof: and if what shall be so made by the lessor or landlord happen to be less than the rent reserved on the said lease, then the said lessee or his assignee, before he shall be restored to his possession, shall pay such lessor or landlord, what the money so by him made fell short of the reserved rent for the time such lessor or landlord held the said lands.

CCXII. If the tenant or his assignee do or shall, at any time before the trial in such ejectment, pay or tender to the lessor or landlord, his executors or administrators, or his or their attorney in that cause, or pay into the Court where the same cause is depending, all the rent and arrears, together with the costs, then and in such case all further proceedings on the said ejectment shall cease and be discontinued; and if such lessee, his executors, administrators, or assigns, shall, upon such proceedings as aforesaid, be relieved in equity, he and they shall have, hold, and enjoy the demised lands, according to the lease thereof made, without any new lease.

CCXIII. Where the term or interest of any tenant now or hereafter holding under a lease or agreement in writing any lands, tenements, or hereditaments for any term or number of years certain, or from year to year, shall have expired or been determined either by the landlord or tenant by regular notice to quit, and such tenant, or any one holding or claiming by or under him, shall refuse to deliver up possession accordingly, after lawful demand in writing made and signed by the landlord or his agent, and served personally upon or left at the dwelling house or usual place of abode of such tenant or person, and the landlord shall thereupon proceed by action of ejectment for the recovery of possession, it shall be lawful for him, at the foot of the writ in ejectment, to address a notice to such tenant or person requiring him to find such bail, if ordered by the Court or a Judge, and for such purposes as are hereinafter next specified; and upon the appearance of the party on an affidavit of service of the writ and notice, it shall be lawful for the landlord producing the lease or agreement, or some counterpart or duplicate thereof, and proving the execution of the same by affidavit, and upon affidavit that the premises have been actually enjoyed under such lease or agreement, and that the interest of the tenant has expired, or been determined by regular notice to quit, as the case may be, and that possession has been lawfully demanded in manner aforesaid, to move the Court or to apply by summons to a Judge at

Chambers for a rule or summons for such tenant or person to show cause, within a time to be fixed by the Court or Judge on a consideration of the situation of the premises, why such tenant or person should not enter into a recognizance by himself and two sufficient sureties in a reasonable sum conditioned to pay the costs and damages which shall be recovered by the claimants in the action ; and it shall be lawful for the Court or Judge upon cause shown, or upon affidavit of the service of the rule or summons in case no cause shall be shown, to make the same absolute in the whole or in part, and to order such tenant or person, within a time to be fixed, upon a consideration of all the circumstances, to find such bail, with such conditions and it such manner as shall be specified in the said rule or summons, or such part of the same so made absolute ; and in case the party shall neglect or refuse so to do, and shall lay no ground to induce the Court or Judge to enlarge the time for obeying the same, then the lessor or landlord filing an affidavit that such rule or order has been made and served and not complied with, shall be at liberty to sign judgment for recovery of possession and costs of suit in the form contained in the Schedule (A.) to this Act annexed, marked No. 21, or to the like effect.

CCXIV. Wherever it shall appear on the trial of any ejectment, at the suit of a landlord against a tenant, that such tenant or his attorney hath been served with due notice of trial, the Judge before whom such cause shall come on to be tried shall, whether the defendant shall appear upon such trial or not, permit the claimant on the trial, after proof of his right to recover possession of the whole or of any part of the premises mentioned in the writ in ejectment, to go into evidence of the mesne profits thereof which shall or might have accrued from the day of the expiration or determination of the tenant's interest in the same down to the time of the verdict given in the cause, or to some preceding day to be specially mentioned therein ; and the jury on the trial finding for the claimant shall in such case give their verdict upon the whole matter, both as to the recovery of the whole or any part of the premises, and also as to the amount of the damages to be paid for such mesne profits ; and in such case the landlord shall have judgment within the time hereinbefore provided, not only for the recovery of possession and costs, but also for the mesne profits found by the jury : Provided always, that nothing hereinbefore contained shall be construed to bar any such landlord from bringing any action for the mesne profits which shall accrue from the verdict, or the day so specified therein, down to the day of the delivery of possession of the premises recovered in the ejectment.

CCXV. In all cases in which such security shall have been given as aforesaid, if upon the trial a verdict shall pass for the claimant, unless it shall appear to the Judge before whom the same shall have been had that the finding of the jury was contrary to the evidence, or that the damages given were excessive, such Judge shall not, except by consent, make any order to stay judgment or execution, except on condition that within four days from the day of the trial the defendant shall actually find security, by the recognizance of himself and two sufficient sureties, in such reasonable sum as the Judge shall direct, conditioned not to commit any waste, or act in the nature of waste, or other wilful damage, and not to sell or carry off any standing crops, hay, straw, or manure

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

On Rule or
Summons
absolute, if
Tenant shall
not conform,
Judgment to
be for the
Landlord.

On Trial of
any Ejectment
between
Landlord and
Tenant, Juries
to give Damages
for mesne
profits down to
the Verdict, or
to a day speci-
fied therein.

On Trials after
Bail found,
Judge shall
not stay the
Execution
except by
consent, or on
Tenant's finding
security.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Bail in Error
to discharge
such security.
Recognizances
to be taken as
other Recogni-
zances of Bail.

Actions on them
limited.

Landlord to
recover pos-
session of
Lands, &c.,
after service
of Writ in
Ejectment.

Saving of
former reme-
dies.

In Ejectment
by Mortgagee,
the Mortgagor's
rendering the
Principal,
Interest, and
Costs in Court

produced or made (if any) upon the premises, and which may happen to be thereupon, from the day on which the verdict shall have been given to the day on which execution shall finally be made upon the judgment, or the same be set aside, as the case may be: Provided always, that the recognizance last above mentioned shall immediately stand discharged and be of no effect, in case proceedings in error shall be brought upon such judgment, and the plaintiff in error shall become bound in the manner hereinbefore provided.

CCXVI. All recognizances and securities entered into as last aforesaid may and shall be taken respectively in such manner and by and before such persons as are provided and authorized in respect of recognizances of bail upon actions and suits depending in the Court in which any such action of ejectment shall have been commenced; and the officer of the same Court with whom recognizances of bail are filed shall file such recognizances and securities, for which respectively the sum of two shillings and sixpence, and no more, shall be paid; but no action or other proceeding shall be commenced upon any such recognizance or security after the expiration of six months from the time when possession of the premises, or any part thereof, shall actually have been delivered to the landlord.

CCXVII. In all actions of ejectment hereafter to be brought in any of Her Majesty's Courts at Westminster by any landlord against his tenant, or against any person claiming through or under such tenant, for the recovery of any lands or hereditaments in any county, except London or Middlesex, where the tenancy shall expire, or the right of entry into or upon such lands or hereditaments shall accrue to such landlord, in or after Hilary or Trinity terms respectively, it shall be lawful for the claimant in any such action, at any time within ten days after such tenancy shall expire, or right of entry accrue as aforesaid, to serve a writ in ejectment in the form contained in the Schedule (A.) to this Act annexed, marked No. 13, except that it shall command the persons to whom it is directed to appear within ten days after service thereof in the Court in which such action may be brought; and the like proceedings shall be thereupon had as hereinbefore provided, save that it shall be sufficient to give at least six clear days' notice of trial to the defendant before the commission day of the assizes at which such ejectment is intended to be tried; and any defendant in such action may, at any time before the trial thereof, apply to a Judge by summons to stay or set aside the proceedings, or to postpone the trial until the next assizes; and it shall be lawful for the Judge, in his discretion, to make such order in the said cause as to him shall seem expedient.

CCXVIII. Nothing herein contained shall be construed to pre-judice or affect any other right of action or remedy which landlords may possess in any of the cases hereinbefore provided for, otherwise than hereinbefore expressly enacted.

CCXIX. Where an action of ejectment shall be brought by any mortgagee, his heirs, executors, administrators, or assignees, for the recovery of the possession of any mortgaged lands, tenements, or hereditaments, and no suit shall be then depending in any of Her Majesty's Courts of Equity in that part of Great Britain called England, for or touching the foreclosing or redeeming of such

mortgaged lands, tenements, or hereditaments, if the person having right to redeem such mortgaged lands, tenements, or hereditaments, and who shall appear and become defendant in such action, shall, at any time pending such action, pay unto such mortgagee, or, in case of his refusal, shall bring into Court, where such action shall be depending, all the principal moneys and interest due on such mortgage, and also all such costs as have been expended in any suit at law or in equity upon such mortgage (such money for principal, interest, and costs to be ascertained and computed by the Court where such action is or shall be depending, or by the proper officer by such Court to be appointed for that purpose), the moneys so paid to such mortgagee, or brought into such Court, shall be deemed and taken to be in full satisfaction and discharge of such mortgage, and the Court shall and may discharge every such mortgagor or defendant of and from the same accordingly; and shall and may, by rule of the same Court, compel such mortgagee, at the costs and charges of such mortgagor, to assign, surrender, or re-convey such mortgaged lands, tenements, and hereditaments, and such estate and interest as such mortgagee has therein, and deliver up all deeds, evidences, and writings in his custody, relating to the title of such mortgaged lands, tenements, and hereditaments, unto such mortgagor, who shall have paid or brought such moneys into the Court, his heirs, executors, or administrators, or to such other person or persons as he or they shall for that purpose nominate or appoint.

CCXXX. Nothing herein contained shall extend to any case where the person, against whom the redemption is or shall be prayed shall (by writing under his hand, or the hand of his attorney, agent, or solicitor, to be delivered before the money shall be brought into such Court of law, to the attorney or solicitor for the other side,) insist, either that the party praying a redemption has not a right to redeem, or that the premises are chargeable with other or different principal sums, than what appear on the face of the mortgage or shall be admitted on the other side; or to any case where the right of redemption to the mortgaged lands and premises in question in any cause or suit shall be controverted or questioned by or between different defendants in the same cause or suit; or shall be any prejudice to any subsequent mortgage or subsequent incumbrance, anything herein contained to the contrary thereof in anywise notwithstanding.

CCXXI. The several Courts and the Judges thereof respectively shall and may exercise over the proceedings the like jurisdiction as heretofore exercised in the action of ejectment, so as to insure a trial of the title, and of actual ouster, when necessary only, and for all other purposes for which such jurisdiction may at present be exercised; and the provisions of all statutes not inconsistent with the provisions of this Act, and which may be applicable to the altered mode of proceeding, shall remain in force and be applied thereto.

And whereas the power of amendment now vested in the Courts and the Judges thereof is insufficient to enable them to prevent the failure of justice by reason of mistakes and objections of forms: Be it enacted as follows:

CCXXII. It shall be lawful for the superior Courts of common law, and every Judge thereof, and any Judge sitting at Nisi Prius,

No. 9.]
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

shall be deemed
a full satisfaction,
and the
Court may
compel the
Mortgagee to
re-convey.

Not to extend
to cases where
the right of
redemption is
controverted, or
the money due
not adjusted;

or to prejudice
any subsequent
Mortgage.

Jurisdiction of
Courts and
Judges.

Amendment.

Amendment.

No. 9.
 Clauses of
 Act of Parl.
 15 & 16 Vic.
 c. 76,
 in force.

Power to Judge
 to make Rules
 and frame
 Writs and
 Proceedings.
 New forms of
 Writs and other
 Proceedings.

Rules may be
 made by each
 Court for the
 government of
 its officers.

Effect of
 Injunction.

Injunctions
 and Orders to
 stay Proceed-
 ings to have
 a specific
 effect.

at all times to amend all defects and errors in any proceeding in civil causes, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend, or not; and all such amendments may be made with or without costs, and upon such terms as to the Court or Judge may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made.

And in order to enable the Courts and Judges to carry this Act thoroughly into effect, and to enable them from time to time to make rules and regulations and to frame writs and proceedings for that purpose, be it enacted as follows :

CCXXIV. Such new or altered writs and forms of proceedings may be issued, entered, and taken, as may by the Judges of the said Courts, or any eight or more of them, of whom the chiefs of each of the said Courts shall be three, be deemed necessary or expedient for giving effect to the provisions hereinbefore contained, and in such forms as the Judges of such Courts respectively shall from time to time think fit to order; and such writs and proceedings shall be acted upon and enforced in such and the same manner as writs and proceedings of the said Courts are now acted upon and enforced, or as near thereto as the circumstances of the case will admit; and any existing writ or proceeding, the form of which shall be in any manner altered in pursuance of this Act, shall nevertheless be of the same force and virtue as if no alteration had been made therein, except so far as the effect thereof may be varied by this Act.

CCXXV. It shall and may be lawful to and for the Judges of each of the said Courts from time to time to make such rules and orders for the government and conduct of the ministers and officers of their respective Courts, in and relating to the distribution and performance of the duties and business to be done and performed in the execution of this Act, as such Judges may think fit and reasonable: Provided always, that no additional charge be thereby imposed on the suitors.

And whereas it is expedient that injunctions and orders to stay proceedings should be rendered more effectual, be it enacted as follows :

CCXXVI. In case any action, suit, or proceeding in any Court of law or equity shall be commenced, sued, or prosecuted, in disobedience of and contrary to any writ of injunction, rule or order of either of the superior Courts of law or equity at Westminster, or of any Judge thereof, in any other Court than that by or in which such injunction may have been issued, or rule or order made, upon the production to any such other Court or Judge thereof of such writ of injunction, rule, or order, the said other Court (in which such action, suit, or proceeding may be commenced, prosecuted, or taken), or any Judge thereof, shall stay all further proceedings contrary to any such injunction, rule, or order; and thenceforth all further and subsequent proceedings shall be utterly null and void to all intents and purposes: Provided always, that nothing herein contained shall be held to diminish, alter, abridge, or vary the liability of any person or persons commencing, suing, or prosecuting any such action, suit, or proceeding contrary to any injunction, rule, or order of either of the Courts aforesaid, to any

attachment, punishment or other proceeding to which any such person or persons are, may, or shall be liable in cases of contempt of either of the Courts aforesaid, in regard to the commencing, suing, or prosecuting such action, suit, or proceeding.

No. 9.
Clauses of
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

SCHEDULE (A.) REFERRED TO IN THE FOREGOING ACT.

Schedule A.

No. 1.

WRIT WHERE THE DEFENDANT RESIDES WITHIN THE JURISDICTION.

VICTORIA, by the Grace of God, &c.

To *C. D.* of in the County of

We command you, That within Eight Days after the service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of

in an Action at the suit of *A. B.* and take notice, that in default of your so doing the said *A. B.* may proceed therein to Judgment and execution. Witness, &c.

MEMORANDUM TO BE SUBSCRIBED ON THE WRIT.

N. B.—This Writ is to be served within (*Six*) Calendar Months from the Date thereof, or, if renewed, from the Date of such renewal, including the Day of such Date, and not afterwards.

INDORSEMENT TO BE MADE ON THE WRIT BEFORE SERVICE THEREOF.

This writ was issued by *E. F.* of Attorney for the said Plaintiff, or this Writ was issued in Person by *A. B.*, who resides at [mention the City, Town, or Parish, and also the name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such].

INDORSEMENT TO BE MADE ON THE WRIT AFTER SERVICE THEREOF.

This Writ was served by *X. Y.* [*i. e.* by the Provost Marshal or his lawful Deputy at Grand Turk,] on *L. M.* [the Defendant or one of the Defendants], on Monday the day of

18

(Signed) *X. Y.*

No. 2.

WRIT WHERE THE DEFENDANT, BEING A BRITISH SUBJECT, RESIDES OUT OF THE JURISDICTION.

VICTORIA, by the Grace of God, &c.

To *C. D.* of in the County of

We command you, That within [here insert a sufficient Number of Days within which the Defendant might appear, with reference to the

No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Distance he may be at from England] Days after the Service of this Writ on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of _____ in an Action at the Suit of *A. B.*; and take notice, that in default of your so doing the said *A. B.* may, by leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, &c.

MEMORANDUM TO BE SUBSCRIBED ON THE WRIT.

N.B.—This writ is to be served within (*Six*) Calendar Months from the Date thereof, or, if renewed, from the Date of such renewal, including the Day of such Date, and not afterwards.

INDORSEMENT TO BE MADE ON THE WRIT BEFORE THE SERVICE THEREOF.

This Writ is for Service out of the Jurisdiction of the Court, and was issued by *E. F.* of _____ Attorney for the said Plaintiff, or this Writ was issued in Person by *A. B.* who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such*].

The Indorsement required by the 8th Section should be made on this Writ, but should allow the Defendant the Time limited for Appearance to pay the Debt and Costs.

No. 3.

WRIT WHERE THE DEFENDANT, NOT BEING A BRITISH SUBJECT, RESIDES OUT OF THE JURISDICTION.

VICTORIA, by the Grace of God, &c.

To *C. D.* late of _____ in the County of _____

We command you, That within [*here insert a sufficient Number of Days within which the Defendant might appear, with reference to the Distance he may be at from England*] Days after Notice of this Writ is served on you, inclusive of the Day of such Service, you do cause an Appearance to be entered for you in Our Court of _____

in an Action at the Suit of *A. B.*; and take notice, that in default of your so doing the said *A. B.* may, by leave of the Court or a Judge, proceed therein to Judgment and Execution. Witness, &c.

MEMORANDUM TO BE SUBSCRIBED ON THE WRIT.

N.B.—Notice of this Writ is to be served within (*Six*) Calendar Months from the Date thereof, including the Day of such Date, and not afterwards.

[*Indorsement as in other Cases.*]

NOTICE OF THE FOREGOING WRIT.

To *G. H.* late of [*Brighton in the County of Sussex*], or now residing at [*Paris in France*].

Take notice, That *A. B.* of _____ in the County of _____

England, has commenced an action at law against you *C. D.* in Her Majesty's Court of Queen's Bench, by a Writ of that Court, dated the _____ day of _____ A.D. 18 ____; and you are required, within _____ days after the receipt of this Notice, inclusive of the day of such receipt, to defend the said action by causing an appearance to be entered for you in the said Court to the said action; and in default of your so doing the said *A. B.* may, by leave of the Court or a Judge, proceed thereon to judgment and execution.

No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

[*Here state amount of claim as required by 8th Section, but allowing the defendant the time limited for appearance to pay debt and costs.*]

(Signed) *A. B.* of _____ &c.
or
E. F. of _____ &c.
Attorney for *A. B.*

No. 4.

SPECIAL INDORSEMENT.

[*After the Indorsement required by the 8th Section of this Act, this special Indorsement may be inserted.*]

The following are the particulars of plaintiff's claim :

1849.—June 20. Half-year's rent to this day	£	s.	d.
of house and premises in _____			
Street, Westminster - - -	25	10	0
Sept. 12. Ten sacks of flour at 40s. -	20	0	0
Dec. 1. Money received by defendant -	17	0	0
	<hr/>		
	62	10	0
Paid - - -	15	0	0
	<hr/>		
Balance due - - -	£47	10	0

Or,

To butcher's meat supplied between the 1st of January 1849 and the 1st of January 1850 - - - - - £52

Paid - - - 20

Balance - - - £32

[*If any account has been delivered, it may be referred to, with its date, or the plaintiff may give such a description of his claim as in a Particular of Demand, so as to prevent the necessity of an application for further particulars.*]

Or,

£50 principal and interest due on a bond dated the _____ day of _____ conditioned for the payment of £100.

Or,

£90 principal and interest due on a covenant contained in a deed dated the _____ day of _____ to pay £100 and interest.

Or,

A penalty of £100 under the Statute 55 Geo. 3, ch. 137.

M

No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Or,

£85 on a Bill of Exchange for £100, dated the 2nd February 1849, accepted or drawn, or indorsed by the defendant.

Or,

£50 on a guarantee dated the 1st of January 1850, whereby the defendant guaranteed the due payment by *E. F.* of goods supplied or to be supplied to him.

[To any of the above may be added, in cases where interest is payable, "the plaintiff also claims interest on £ of the above sum from the date of the Writ until judgment."]

N.B.—Take notice, that if a defendant served with this Writ within the jurisdiction of the Court do not appear according to the exigency thereof, the plaintiff will be at liberty to sign final judgment for any sum not exceeding the sum above claimed [with interest at the rate specified], and the sum of £ for costs, and issue execution at the expiration of eight days from the last day for appearance.

No. 5.

In the Queen's Bench :

On the

day of

A.D. 1850.

[Day of signing the judgment.]

England to } *A. B.* in his own person [or, by his
Wit. } Attorney] sued out a writ of summons against *C. D.*,
indorsed according to the "Common Law Procedure Act, 1852,"
as follows :

[Here copy Special Indorsement.]

And the said *C. D.* has not appeared : Therefore it is considered that the said *A. B.* recover against the said *C. D.* £ together with £ for costs of suit.

No. 6.

In the Queen's Bench :

The

day of

in the

year of our Lord 18

Yorkshire to }
Wit. }

Whereas *A. B.* has sued *C. D.*, and
and denies.

affirms,

[Here state the question or questions of fact to be tried.]

And it has been ordered by the Hon. Mr. Justice according to "The Common Law Procedure Act, 1852," that the said question shall be tried by a jury : therefore let the same be tried accordingly.

No. 7.

**FORM OF RULE OR SUMMONS WHERE A JUDGMENT CREDITOR
APPLIES FOR EXECUTION AGAINST A JUDGMENT DEBTOR.**

[*Formal parts as at present.*]

C. D. show cause why *A. B.* [or as the case may be] should not be at liberty to enter a suggestion upon the roll in an action wherein the said *A. B.* was plaintiff and the said *C. D.* was defendant, and wherein the said *A. B.* obtained judgment for £
against the said *C. D.* on the _____ day of _____, that it manifestly appears to the Court that the said *A. B.* is entitled to have execution of the said judgment, and to issue execution thereupon, and why the said *C. D.* should not pay to the said *A. B.* the costs of this application, to be taxed.

[Note.—The above form may be modified so as to meet the case of an application by or against the representative of a party to the judgment.]

No. 8.

FORM OF SUGGESTION THAT THE JUDGMENT CREDITOR IS ENTITLED TO EXECUTION AGAINST THE JUDGMENT DEBTOR.

And now on the day of it is suggested and manifestly appears to the Court, that the said A. B. [or C. D., as executor of the last will and testament of the said A. B. deceased, or as the case may be,] is entitled to have execution of the judgment aforesaid against the said E. F. [or against G. H., as executor of the last will and testament of the said E. F., or as the case may be]: Therefore it is considered by the Court that the said A. B. [or, C. D., as such executor as aforesaid, or as the case may be,] ought to have execution of the said judgment against the said E. F. [or against G. H., as such executor as aforesaid, or as the case may be.]

No. 9.

FORM OF WRIT OF REVIVOR.

VICTORIA, by the Grace of God, &c., to *E. F.* of
greeting.

We command you that, within eight days after the service of this writ upon you, inclusive of the day of such service, you appear in our Court of _____ to show cause why *A. B. [or C. D., as executor of the last will and testament of the said A. B. deceased, or as the case may be,]* should not have execution against you *[if against a representative here insert, as executor of the last will and testament of _____ deceased, [or as the case may be] of a judgment whereby the said A. B. [or as the case may be] on the _____ day of _____ in the said Court recovered against you [or as the case may be] £ _____; and take notice, that in default of your so doing the said A. B. [or as the case may be] may proceed to execution.*

Witness, &c.

**No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.**

No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

No. 10.

In the Queen's Bench :

The day of
Lord 18

in the year of our

[*The day of lodging Note of Error.*]

A. B. and C. D.

The plaintiff [*or defendant*] says that there is error in law in the record and proceedings in this action; and the defendant [*or plaintiff*] says that there is no error therein.

(Signed) A. B., plaintiff.

[*or C. D., defendant.*][*or E. F., attorney for plaintiff*] [*or defendant.*]

No. 11.

The day of
Lord 18

in the year of our

[*The day of making the entry on the roll.*]

The plaintiff [*or defendant*] says that there is error in the above record and proceedings, and the defendant [*or plaintiff*] says there is no error therein.

No. 12.

In the Queen's Bench :

The day of
Lord 18

in the year of our

[*The day of lodging Note of Error.*]

A. B. and C. D. in error.

The plaintiff [*or defendant*] says that there is error in fact in the record and proceedings in this action, in the particulars specified in the affidavit hereunto annexed.

(Signed) A. B., plaintiff.

[*or C. D., defendant.*][*or E. F., attorney for plaintiff*] [*or defendant.*]

No. 13.

EJECTMENT.

FORM OF WRIT.

VICTORIA, &c., to X., Y., Z., and all persons entitled to defend the possession of [*describe the property with reasonable certainty*] in the parish of in the county of to the possession whereof A., B., and C.,

some or one of them, claim to be [or to have been on and since the day of A.D.] entitled, and to eject all other persons therefrom: These are to will and command you, or such of you as deny the alleged title, within sixteen days after service hereof, to appear in our Court of to defend the said property, or such part thereof as you may be advised; in default whereof judgment may be signed, and you turned out of possession.

No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Witness, &c.

No. 14.

JUDGMENT IN EJECTMENT IN CASE OF NON-APPEARANCE.

In the Queen's Bench :

The day of 18

[Date of Writ.]

Lancashire to } On the day and year above written, a writ of our Lady
Wit. } the Queen issued forth of this Court in these words;
that is to say,

VICTORIA, by the Grace of God [*here copy the writ*]; and no appearance has been entered or defence made to the said writ: therefore it is considered that the said [*here insert the names of the persons in whom title is alleged in the writ*] do recover possession of the land in the said writ mentioned, with the appurtenances.

No. 15.

In the Queen's Bench :

On the day of A.D. 18

Cumberland } On the day and year above written, a writ of our
to Wit. } Lady the Queen issued forth of this Court in these
words: that is to say,

VICTORIA, by the Grace of God [*here copy the writ*]; and C. D. has, on the day of appeared by his attorney [*or in person*] to the said writ, and has defended for a part of the land in the writ mentioned; that is to say [*here state the part*], and no appearance has been entered or defence made to the said writ, except as to the said part: Therefore it is considered that the said A. B. [*the claimant*] do recover possession of the land in the said writ mentioned, except the said part, with the appurtenances, and that he have execution thereof forthwith; and as to the rest, let a jury come, &c.

No. 16.

In the Queen's Bench :

On the day of A.D. 18

Cumberland } On the day and year above written, a writ of our
to Wit. } Lady the Queen issued forth of this Court in these
words: that is to say,

VICTORIA, by the Grace of God [*here copy the writ*]; and C. D. has, on the day of appeared by

No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

his attorney [*or in person*], to the said writ, and defended for the whole of the land therein mentioned: Therefore let a jury come, &c.

No. 17.

Afterwards on the day of
A.D. before and Justices of our
Lady the Queen assigned to take the assizes in and for the within
county, come the parties within mentioned; and a jury of the said
county being sworn to try the matters in question between the said
parties, upon their oath say, that A. B. [*the claimant*] within men-
tioned, on the day of
A.D. was and still is, entitled to the possession
of the land within mentioned, as in the writ alleged; There-
fore, &c.

No. 18.

In the Queen's Bench :
On the day of 18

[*Date of Writ.*]

Lancashire to } On the day and year above written, a writ of our Lady
Wit. } the Queen issued forth of this Court, in these words;
that is to say,
VICTORIA, by the Grace of God [*here copy the writ*]; and C. D.
has, on the day of appeared by
his attorney [*or in person*] to the said writ, and
A. B. has discontinued the action: Therefore it is considered that
the said C. D. be acquitted, and that he recover against the said
A. B. £ for his cost of defence.

No. 19.

In the Queen's Bench :
The day of 18

[*Date of Writ.*]

Lancashire to } On the day and year above written, a writ of our Lady
Wit. } the Queen issued forth of this Court, in these words;
that is to say,
VICTORIA by the Grace of God [*here copy the writ*]; and C. D.
has, on the day of appeared by
his attorney [*or in person*] to the said writ, and
A. B. has failed to proceed to trial, although duly required so to
do: Therefore it is considered that the said C. D. be acquitted,
and that he recover against the said A. B. £
for his costs of defence.

No. 20.

In the Queen's Bench :

The

day of

18

[Date of Writ.]

Lancashire to } On the day and year above written, a writ of our Lady
Wit. } the Queen issued forth of this Court, in these words ;
that is to say.

VICTORIA, by the Grace of God [*here copy the writ*] ; and *C. D.*
has, on the day of appeared by
his attorney [*or in person*] to the said writ, and
the said *C. D.* has confessed the said Action [*or has confessed the*
said action as to part of the said land, that is to say, *here state*
the part] ; Therefore it is considered that the said *A. B.* do recover
possession of the land in the said writ mentioned [*or of the said*
part of the said land], with the appurtenances, and £
for costs.

No. 21.

In the Queen's Bench :

The

day of

A.D. 18

[Date of Writ.]

Yorkshire to } On the day and year above written, a writ of our Lady
Wit. } the Queen issued forth of this Court, with a notice
thereunder written, the tenor of which writ and notice follows in
these words ; that is to say,

[*Here copy the Writ and Notice, which latter may be as follows :*]

“Take notice, that you will be required, if ordered by the Court
or a Judge, to give bail by yourself and two sufficient sureties, con-
ditioned to pay the costs and damages which shall be recovered in
this action.”

And *C. D.* has appeared by his
attorney [*or in person*] to the said writ, and has been ordered to
give bail, pursuant to the statute, and has failed so to do : There-
fore it is considered that the said [*here insert name of landlord*]
do recover possession of the land in the said writ mentioned, with
the appurtenances, together with £ for costs
of suit.

SCHEDULE (B.)

FORMS OF PLEADINGS.

STATEMENTS OF CAUSES OF ACTION.

ON CONTRACTS.

1. Money payable by the defendant to the plaintiff for [*these*
words money payable, &c., *should precede money counts like 1 to 14,*

No. 9.
Schedule A.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

No. 9.
Schedule B.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.
Goods.

No. 9.
Schedule B.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

Money received.
Account stated.

For an Estate
sold.

For Goodwill.

For the Use of a
House and Land.

For the Use of
a Fishery.

For Copyhold
Fines.

For Hire of
Goods, &c.

For Freight.

For Demurrage.

Payee against
Maker of Note.

Indorsee
against Indor-
ser of Note.

Drawee against
Acceptor of
Bill.

Payee against
Drawer.

Breach of Pro-
mise of Mar-
riage.

Warranty of
a Horse.

but need only be inserted in the first] goods bargained and sold by the plaintiff to the defendant.

2. Work done and materials provided by the plaintiff for the defendant at his request.

3. Money lent by the plaintiff to the defendant.

4. Money paid by the plaintiff for the defendant at his request.

5. Money received by the defendant for the use of the plaintiff.

6. Money found to be due from the defendant to the plaintiff on accounts stated between them.

7. A message and lands sold and conveyed by the plaintiff to the defendant.

8. The goodwill of a business of the plaintiff, sold and given up by the plaintiff to the defendant.

9. The defendant's use, by the plaintiff's permission, of mes- suages and lands of the plaintiff.

10. The defendant's use, by the plaintiff's permission, of a fishery of the plaintiff.

11. Fines payable by the defendant as tenant of customary tene- ments of the manor of _____ to the plaintiff as Lord of the said manor, for the admission of the defendant into the said customary tenements.

12. The hire of [*as the case may be*], by the plaintiff let to hire to the defendant.

13. Freight for the conveyance by the plaintiff for the defend- ant at his request of goods in ships.

14. The demurrage of a ship of the plaintiff kept on demurrage by the defendant.

15. That the defendant on the _____ day of _____ A.D. by his promissory note, now overdue, promised to pay to the plaintiff £ _____ [*two*] months after date, but did not pay the same.

16. That one A., on, &c. [*date*], by his promissory note, now overdue, promised to pay to the defendant, or order, £ _____ [*two*] months after date; and the defendant indorsed the same to the plaintiff; and the said note was duly presented for payment, and was dishonoured, whereof the defendant had due notice, but did not pay the same.

17. That the plaintiff, on, &c. [*date*], by his bill of exchange, now overdue, directed to the defendant, required the defendant to pay to the plaintiff £ _____ [*two*] months after date; and the defendant accepted the said bill, but did not pay the same.

18. That the defendant, on, &c. [*date*], by his bill of exchange, directed to A., required A. to pay to the plaintiff £ _____ [*two*] months after date; and the said bill was duly pre- sented for acceptance, and was dishonoured, of which the defendant had due notice, but did not pay the same.

19. That the plaintiff and defendant agreed to marry one ano- ther, and a reasonable time for such marriage has elapsed, and the plaintiff has always been ready and willing to marry the defendant, yet the defendant has neglected and refused to marry the plaintiff.

20. That the plaintiff and defendant agreed to marry one another on a day now elapsed, and the plaintiff was ready and willing to marry the defendant on that day, yet the defendant neglected and refused to marry the plaintiff.

21. That the defendant, by warranting a horse to be then sound

and quiet to ride, sold the said horse to the plaintiff, yet the said horse was not then sound and quiet to ride.

22. That the plaintiff and the defendant agreed by charter-party, that the plaintiff's ship called the "Ariel" should with all convenient speed sail to *R.*, or so near thereto as she could safely get, and that the defendant should there load her with a full cargo of tallow or other lawful merchandise, which she should carry to *H.*, and there deliver, on payment of freight £ per ton, and that the defendant should be allowed ten days for loading, and ten for discharge, and ten days for demurrage, if required, at £ per day; and that the plaintiff did all things necessary on his part to entitle him to have the agreed cargo loaded on board the said ship at *R.*, and that the time for so doing has elapsed, yet the defendant made default in loading the agreed cargo.

23. That the plaintiff let to the defendant a house, No. 401 Piccadilly, for seven years, to hold from the day of A.D. at £ a year, payable quarterly, of which rent quarters are due and unpaid.

24. That the plaintiff by deed let to the defendant a house, No. 401 Piccadilly, to hold for seven years from the day of A.D., and the defendant by the said deed covenanted with the plaintiff well and substantially to repair the said house during the said term [*according to the covenant*], yet the said house was during the said term out of good and substantial repair.

FOR WRONGS INDEPENDENT OF CONTRACT.

25. That the defendant broke and entered certain land of the plaintiff, called the Big Field, and depastured the same with cattle.

26. That the defendant assaulted and beat the plaintiff, gave him into custody to a policeman, and caused him to be imprisoned in a police office.

27. That the defendant debauched and carnally knew the plaintiff's wife.

28. That the defendant converted to his own use, or wrongfully deprived the plaintiff of the use and possession of the plaintiff's goods; that is to say, iron, hops, household furniture [*or as the case may be*].

29. That the defendant detained from the plaintiff his title deeds of land called Belmont in the county of ; that is to say, [*describe the deeds*].

30. That the plaintiff was possessed of a mill, and by reason thereof was entitled to the flow of a stream for working the same, and the defendant, by cutting the bank of the said stream, diverted the water thereof away from the said mill.

31. That the plaintiff was the first and true inventor of a certain new manufacture, that is to say, of "certain improvements in the manufacture of sulphuric acid," and thereupon Her Majesty Queen Victoria, by letters patent under the great seal of England, granted the plaintiff the sole privilege to make, use, exercise, and vend the said invention within England for the term of fourteen years from the day of A.D., subject to a condition that the plaintiff should within six calendar months next after the date of the said letters patent cause to be enrolled in the

No. 9.
Schedule B.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.

For not loading
pursuant to
Charter-party.

Upon a Lease
for Rent.

Upon a
Covenant to
Repair.

Trespass to
Land.
Assault, Bat-
tery, and false
Imprisonment.

Criminal Con-
versation.

Wrongful
Conversion of
Goods.

Wrongful
Detention of
Property, &c.

Diverting
Water from
a Mill.

Infringement
of a Patent.

No. 9.
Schedule B.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.
Defamation of
Character.

High Court of Chancery an instrument in writing under his hand and seal, particularly describing and ascertaining the nature of his said invention, and in what manner the same was to be and might be performed, and the plaintiff did within the time prescribed fulfil the said condition, and the defendant during the said term did infringe the said patent right.

32. That the defendant falsely and maliciously spoke and published of the plaintiff the words following; that is to say, "he is a thief;"

[If there be any special damage, here state it with such reasonable particularity as to give notice to the defendant of the peculiar injury complained of; for instance,]

whereby the plaintiff lost his situation as gamekeeper in the employ of A.

33. That the defendant falsely and maliciously printed and published of the plaintiff in a newspaper called " " the words following; that is to say, "he is a regular prover under bankruptcies," the defendant meaning thereby that the plaintiff had proved and was in the habit of proving fictitious debts against the estates of bankrupts, with the knowledge that such debts were fictitious.

COMMENCEMENT OF PLEA.

34. The defendant by his attorney [or in person] says [*here state the substance of the plea*].

35. And for a second plea the defendant says [*here state the second plea*].

PLEAS IN ACTIONS ON CONTRACTS.

Denial of Debt.

36. That he never was indebted as alleged.

[This plea is applicable to declarations like those numbered 1 to 14.]

Denial of Contract.

37. That he did not promise as alleged.

[This plea is applicable to other declarations on simple contracts, not on bills and notes, such as those numbered 19 to 22. It would be unobjectionable to use "did not warrant," "did not agree," or any other appropriate denial.]

Denial of Deed.
Statute of
Limitations.

38. That the alleged deed is not his deed.

39. That the alleged cause of action did not accrue within six years [*state the period of limitation applicable to the case*] before this suit.

Payment.

40. That before action he satisfied and discharged the plaintiff's claim by payment.

Set-off.

41. That the plaintiff at the commencement of this suit was, and still is, indebted to the defendant in an amount equal to the plaintiff's claim, for [*here state the cause of set-off, as in a declaration; see forms ante*], which amount the defendant is willing to set off against the plaintiff's claim.

Release.

42. That after the alleged claim accrued, and before this suit, the plaintiff by deed released the defendant therefrom.

PLEAS IN ACTIONS FOR WRONGS INDEPENDENT OF CONTRACT.

Not guilty.

43. That he is not guilty.

44. That he did what is complained of by the plaintiff's leave.

45. That the plaintiff first assaulted the defendant, who thereupon necessarily committed the alleged assault in his own defence.

46. That the defendant, at the time of the alleged trespass, was possessed of land the occupiers whereof for twenty years before this suit enjoyed as of right and without interruption a way on foot and with cattle from a public highway over the said land of the plaintiff to the said land of the defendant, and from the said land of the defendant over the said land of the plaintiff to the said public highway, at all times of the year, for the more convenient occupation of the said land of the defendant, and that the alleged trespass was a use by the defendant of the said way.

47. That the defendant, at the time of the alleged trespass, was possessed of land the occupiers whereof for thirty years before this suit enjoyed as of right and without interruption common of pasture over the said land of the plaintiff for all their cattle, levant and couchant, upon the said land of the defendant, at all times of the year, as to the said land of the defendant appertaining, and that the alleged trespass was a use by the defendant of the said right of common.

No. 9.
Schedule B.
Act of Parl.
15 & 16 Vic.
c. 76,
in force.
Right of Way.

Right of Common.

REPLICATIONS.

48. The plaintiff takes issue upon the defendant's 1st, 2nd, &c. pleas.

49. The plaintiff as to the second plea says [*here state the answer to the plea as in the following forms*].

50. That the alleged release is not the plaintiff's deed.

51. That the alleged release was procured by the fraud of the defendant.

52. That the alleged set-off did not accrue within six years before the suit.

53. That the plaintiff was possessed of land whereon the defendant was trespassing and doing damage, whereupon the plaintiff requested the defendant to leave the said land, which the defendant refused to do; and thereupon the plaintiff gently laid his hands on the defendant in order to remove him, doing no more than was necessary for that purpose, which is the alleged first assault by the plaintiff.

54. That the occupiers of the said land did not for twenty years before this suit enjoy as of right and without interruption the alleged way.

Joinder of Issue.

Replication to Pleas containing new Matter.
To Plea of Release.

To Plea of Set-off.

To Self-defence.

To Right of Way.

NEW ASSIGNMENT.

55. The plaintiff, as to the and pleas, says, that he sues not for the trespasses therein admitted, but for trespasses committed by the defendant in excess of the alleged rights, and also in other parts of the said land and on other occasions, and for other purposes than those referred to in the said pleas.

To the Pleas of Right of Way and Right of Common.

[*If the plaintiff replies and new assigns, the new assignment may be as follows:*]

56. And the plaintiff, as to the and pleas, further says, that he sues not only for the trespasses in those pleas admitted, but also for, &c.

57. And the plaintiff, as to the _____ and _____ pleas, further says, that he sues not for the trespasses in the _____ pleas [*the pleas not replied to*] admitted, but for the trespasses in the _____ pleas [*the pleas replied to*] admitted, and also for, &c.

An Ordinance to amend Ordinance No. 9 of 1855, extending certain clauses of the Common Law Procedure Act, 1852. (Passed 1st June, 1857. Confirmed 6th Nov. 1857.)

II. That in any action against a person residing out of the jurisdiction of the said Supreme Court, and not being a British subject, the like proceedings may be taken as against a British subject

resident out of the jurisdiction, save that in lieu of the form of writ of summons in the Schedule (A.) to the said Act of Parliament annexed, marked No. 2, the plaintiff shall issue a writ of summons according to the form contained in the said Schedule (A.) marked No. 3, and shall in manner aforesaid serve a notice of such last-mentioned writ upon the defendant therein mentioned: which notice shall be in the form contained in the said Schedule, also marked No. 3, and such service shall be of the same force and effect as the service of the writ of summons, in any action against a British subject resident abroad, and by leave of the Court or a Judge, upon their or his being satisfied by affidavit as aforesaid, the like proceedings may be had and taken thereupon.

No. 10.
Ord. No. 3,
1857.

III. That any affidavit for the purpose of enabling the Court or a Judge to direct proceedings to be taken against a defendant residing out of the jurisdiction of the said Court, may be sworn before any Consul-General, Consul, Vice-Consul, or Consular Agent, for the time being, appointed by Her Majesty at any foreign port or place, and every affidavit so sworn by virtue of this Ordinance may be used, and shall be admitted in evidence, saving all just exceptions, provided it purport to be signed by such Consul-General, Consul, Vice-Consul, or Consular Agent, upon proof of the official character and signature of the person appearing to have signed the same. Provided always, that if any person within the colony shall forge the signature of any such affidavit; or shall use or tender in evidence any such affidavit, with a false or counterfeit signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to imprisonment, for any term not exceeding Three years, and not less than One year with hard labour: and every accessory before or after the fact to any such offence, shall be guilty of felony, and if convicted shall be liable to the same punishment as the principal offender.

Affidavits for
Process, before
whom to be
made.

Penalty of
Forgery.

IV. And whereas the 146th section of the said Statute was inadvertently included among the clauses extended to these islands, and it is expedient that the same should not be so extended: Be it therefore further ordained, That the 146th clause of the said statute shall not be in force within these islands, and that nothing in the Ordinance No. 9 of 1855, shall in any way affect or alter the provisions contained in Ordinance No. 4 of 1849, for establishing a Court of Appeal within this presidency.

Section 146 of
Common Law
Procedure Act
now in force.

No. 11.—ORDINANCE No. 3, 1859.

An Ordinance to amend Ordinance No. 9 of 1852, entitled, &c.
(Supreme Court Ordinance). (Passed Nov. 12, 1859. Con-
firmed 5th April, 1860.)

No. 11.
Ord. No. 3,
1859.

WHEREAS Ordinance No. 9 of 1852, relating to the Supreme Court of Justice of these islands, in some respects requires amendment; May it, &c., That the power of adjournment given to the Prothonotary and Clerk of the Crown by section 44 of the said Ordinance, shall be deemed to give him power to adjourn the said Court, from time to time, for any time not exceeding seven days, as often as circumstances may require: Also that the power of

PREAMBLE.

No. 11.
Ord. No. 3,
1859.

appointing an Acting Judge, vested in the President of these islands by the said 44th section, shall be taken to apply to all cases in which such Judge may be absent on leave or other just ground.

II. That whenever the Queen's Advocate shall be absent from the colony or the said Court, by reason of sickness, vacation, leave, or other just ground, it shall be lawful for the Queen's Advocate to authorize some fit and competent person, approved of by the President, to act as Queen's Advocate during his absence.

III. That whenever a vacancy shall occur in the office of the Prothonotary and Clerk of the Crown, it shall and may be lawful for the President of these islands to appoint some competent person to fill the same, and the person so appointed shall be, ex officio, Clerk of the Supreme Court and Court of Ordinary.

CLASS IV.

JURIES.

No. 1.
Ord. No. 3,
1853.

No. 1.—ORDINANCE No. 3, 1853.

An Ordinance for the Regulation of Juries within the Turks and Caicos Islands. (Passed 23rd Oct., 1853. Confirmed 6th April, 1854.)

PREAMBLE.

WHEREAS the laws now in force within these islands for regulating juries are in many respects inapplicable to the present condition of the said islands, and require amendment; May it, &c.

Qualification of
Jurors.

I. That every male inhabitant (except as hereinafter excepted) between the ages of 21 and 60 residing at the Turks Islands, who shall be seized and possessed in fee simple, fee tail, or for life, of landed estate within these islands, of the value of not less than Twenty pounds; or who shall be a householder, and inhabiting as sole tenant upon any improved lot of land in the said islands, of the value of not less than Forty pounds; or who shall be possessed of property real and personal, or personal property only of the value of Fifty pounds, shall be qualified and liable to serve on juries for the trial of all issues joined in the Supreme Court at these islands, both civil and criminal; and shall also be qualified and liable to serve upon all inquests, or inquiries, to be taken or made, by or before the said Court, by virtue of any writ of inquiry; or by or before any Commissioners appointed under the Great Seal of these islands: Provided always, that no person shall be considered qualified to serve as jurors under this Ordinance who cannot read and write.

Persons exempt
from serving on
Juries.

II. That all members of Council; all clergymen in holy orders; all priests of the Roman Catholic faith; all persons who shall preach or teach in any congregation of Protestant dissenters, and who shall follow no secular occupation, except that of a school-master; all officers of Her Majesty's Army, Navy, or Ordnance on full pay; all attorneys, proctors, and solicitors, duly admitted in any Courts of law or equity within these islands, and their clerks; all officers of any such Courts actually exercising the duties of their respective offices; all physicians and surgeons actually practising; all officers of Her Majesty's Customs; the officers of the

Revenue Department; all licensed schoolmasters; all gaolers, supervisors, constables, and nightly guardmen; the Crown Surveyor or Crown Commissioner, or the Assistant Crown Commissioner for these islands; and all lighthouse keepers and pilots actually employed as such, shall be, and are hereby absolutely freed and exempted from being returned, and from serving upon juries.

No. 1.
Ord. No. 8,
1853.

III. That no person, not being a natural-born subject of Her Majesty, or a foreigner duly naturalized, is or shall be qualified to serve on juries, except only in the cases hereinafter expressly provided for; and no man, who hath or shall be attainted of any treason or felony, or convicted of any crime that is infamous, unless he shall have obtained a free pardon, nor any lunatic or idiot, is or shall be qualified to serve on juries, on any occasion whatsoever; Provided, however, that after verdict in any cause, criminal or civil, the verdict shall not be set aside, or avoided by reason of any disqualification as aforesaid, in any juror or jurors not previously challenged or objected to, on account of such disqualification.

Persons disqualified to serve on Juries.

IV. That the Clerk of the Crown for these islands, shall, on or before the first day of June in every year, issue and deliver a precept to each of the parties hereinafter named and appointed, to prepare the jury lists, requiring them to make out and prepare such lists in manner hereinafter required; such precept to be according to the form in the Schedule annexed marked (A).

Clerk of the Crown to prepare Precept annually for lists of persons qualified to serve as Jurors.

V. That from henceforth it shall be the duty of the chief constable at Grand Turk, under the supervision of the police or acting police magistrate, to prepare and make up the annual list of persons qualified to serve as jurors resident at Grand Turk; and for the stipendiary constable at Salt Cay, under the direction of the assistant police magistrate then residing at the said Cay, to prepare and make up the annual list of persons qualified to serve as jurors resident at Salt Cay.

VI. That every such list shall be made out in alphabetical order, and shall contain the name of every man residing within the said cays, who shall be qualified, and liable respectively, to serve on juries as aforesaid, with the christian and surname written at full length, and the nature of the qualification, of every such man, in the proper columns of the form of return set forth in the Schedule hereunto annexed marked (B).

List of persons qualified to be published.

VII. That it shall be the duty of the police magistrate at Grand Turk, and of the assistant police magistrate at Salt Cay, to afford their assistance, to the utmost of their power, to the persons herein appointed to make up such lists at the island in which they reside.

Duty of Police Magistrate and Assistant Police Magistrate herein.

VIII. That every list so prepared shall be ready on or before the second Tuesday of the month of July of each year; and shall be then sent in by the person appointed to make up the same, to the Justices of each island respectively, at their quarterly meetings in the said month, for their revision.

Justices at Quarterly Sessions

IX. That it shall be the duty of the said Justices to revise such lists, and to amend the same as they may see fit; and such lists so amended, shall then be returned to the party appointed to prepare the same, who shall then prepare three copies thereof, and cause the same to be affixed to some conspicuous places at each island respectively, and shall also keep a copy of such list,

required to revise lists.

No. 1.
Ord. No. 8,
1853.

for the inspection of any inhabitant of the said cays respectively, who may make application to peruse the same between the hours of ten o'clock a.m. and three o'clock p.m. in the daytime, at any time before the first day of October then next ensuing; which said list shall be again laid, by the party preparing the same, before the Justices aforesaid, at their quarterly meetings in the said month of October: and any person who shall wilfully pull down, tear, obliterate, deface, or otherwise remove and destroy, wholly or in part, any list of jurors put up under the authority of this Ordinance, shall, on conviction before any two Justices of the Peace, forfeit and pay a sum not exceeding two pounds, or in default of payment, to be committed to prison for any time not exceeding forty days.

Revised Lists to be returned to the Clerk of the Crown on or before the twentieth October in each year.

Penalty for neglect to prepare Lists.

X. That all persons having any objections to make to such lists, may do so before the Justices assembled at each cay, respectively, on the second Tuesday in the month of October of each year, who may amend such lists if they see fit; and such lists shall then be forwarded by the Justices to the said Clerk of the Crown: Provided, that every list shall be forwarded as aforesaid, on or before the twentieth day of October in every year.

XI. That for any neglect or omission on the part of any person appointed to make up, or assist in making up such lists, he shall be liable to forfeit a sum not exceeding Ten pounds, to be recovered in a summary manner, and such neglect, or omission, shall not be held to vitiate such list or lists, but the same, when revised, by the Justices aforesaid, shall be considered as good and valid to all intents and purposes.

Remuneration for preparing Lists.

XII. That the said Justices, upon forwarding the said lists to the Clerk of the Crown, shall, and may, if they are satisfied that the provisions of this Ordinance have been duly observed, grant a certificate to that effect, to the parties employed in preparing the same; and for such services the said parties shall be entitled to have and receive out of the public Treasury as follows:—To the chief constable preparing such lists at Grand Turk, a sum not exceeding Four pounds, and to the stipendiary constable at Salt Cay, a sum not exceeding Two pounds; and the President is required to grant his warrant for the payment of the same, upon production of the certificates aforesaid.

List to be recorded in the office of Clerk of the Crown.

XIII. That the Clerk of the Crown shall keep the lists so returned among the records in his office, and shall cause a general list of jurors to be made therefrom, and entered in alphabetical order, in a book to be by him provided for that purpose at the public charge, which book shall be called the "Jurors' Book."

Presiding Judge of the Supreme Court to correct Lists.

XIV. That if the name of any man not qualified and liable to serve on juries as aforesaid, is inserted in such Jurors' Book, it shall be lawful for the presiding Justice of the Supreme Court, at any time, upon satisfaction from the oath of the party complaining, or other proof, or upon his own knowledge that he is not qualified and liable, to strike his name out of such Jurors' Book, and also to strike out therefrom the names of men disabled by lunacy or imbecility of mind, or by deafness, blindness, or other permanent infirmity of body, from serving on juries, and of men otherwise disqualified by this Ordinance; and it shall be also lawful for such Justice as aforesaid, to insert in such list, the name of every

man omitted therein, upon proof being made to the satisfaction of such Justice of his proper qualification.

XV. That the Clerk of the Crown immediately after entering the general list of jurors in the jurors' book as before directed, shall cause the names of the whole of the jurors therein contained, to be written on separate and distinct pieces of parchment or paper of equal size, which he shall roll as nearly as may be in the same manner, and put into the division number one of the jury box, belonging to the said Court, which box shall have two locks and keys, of different wards, one of which keys shall be kept by the presiding Justice of the said Court, and the other by the Clerk of the Crown; which box shall be and remain in the office of the said Clerk of the Crown; and shall not be opened nor any jury drawn therefrom, except in the presence of the presiding Justice of the said Court and the Clerk of the Crown or his lawful deputy.

XVI. That the presiding Justice of the Supreme Court shall on such day, before the commencement of each term, as he may appoint for that purpose, cause to be drawn by some indifferent person out of the jury box before mentioned, thirty-six of the pieces of parchment or paper whereon are written the names of men qualified to serve as jurors, and the men whose names shall be drawn as above directed shall be the jurors to serve at the ensuing term for the trial of all issues, criminal as well as civil, joined in the said Court, and to make all inquiries of damages which lawfully may or ought to be taken and made in the said Court: and after the names of the thirty-six jurors shall have been faithfully and correctly written down by some officer of the said Court, then the pieces of parchment or paper, whereon the names of the thirty-six jurors are written, shall be again rolled up and placed in the division number two of the jury box, and shall be so done as often as any jury shall be drawn, until the whole of the names in the division number one shall have been drawn, when they shall in like manner be drawn out of division number two and returned into the division number one, and so alternately from time to time, as the pieces of parchment or paper shall be drawn out of either of the said divisions, in order that every man qualified and liable to serve on juries may be drawn to serve thereon.

XVII. That after the jurors shall be drawn in manner before directed, the said presiding Justice shall cause a writ of "*venire facias juratores*" to be issued under the seal of the said Court directed to the Provost Marshal of these islands, or his lawful deputy, for the purpose of summoning the jurors drawn to serve for such term, and that the Provost Marshal or his lawful deputy, upon receipt of every such writ of *venire facias*, shall cause the several men, whose names shall be inserted in the panel thereunto annexed, to be duly summoned within the time hereinafter limited. And in case the said Provost Marshal, or any one of his deputies, return any person as having been duly summoned to serve as a juror, when in truth such person was not duly summoned, the said Provost Marshal or his deputy so offending, shall upon conviction thereof, be guilty of a contempt of Court, punishable by fine and imprisonment, or either, at the discretion of the Court. Provided that such writs be delivered to the Provost Marshal at least fourteen days before the day appointed for the meeting of the Court.

XVIII. That the summons to serve on juries, not being special

No. 1.
Ord. No. 3,
1853.

Jury Box to
be kept at the
office of Clerk
of the Crown.

Mode of
drawing Jury
Panel.

Writ of
Venire facias
juratores.

No. 1.
Ord. No. 3,
1853.

When and
how Jurors to
be summoned.

Juries for the
trial of Issues,
how drawn.

juries, in the Court aforesaid, shall be made by the Provost Marshal or his deputy, ten days at least before the day on which the juror is to attend, by delivering to the man to be summoned, or in case he shall be absent from the usual place of his abode, by leaving with some person there inhabiting, a note in writing under the hand of the Provost Marshal or his deputy, containing the substance of such summons; and the summons of every man to serve on special juries in the aforesaid Court shall be made by the like persons and in like manner as aforesaid, three days at the least before the day on which the special juror is to attend.

XIX. That the name of each man who shall be summoned, for the trial of issues in the said Court, shall be written on a distinct piece of parchment or paper, such pieces of parchment or paper being all, as nearly as may be, of equal size, and shall under the directions and care of the Clerk of the Crown or the Prothonotary of the said Court, be put together in a box to be provided for that purpose; and when any issue shall be brought on to be tried, such Clerk of the Crown or Prothonotary as aforesaid, shall in open Court, draw out twelve of the said pieces of parchment or paper, one after another, and if any of the men whose names shall be so drawn shall not appear, or shall be challenged and set aside, then such further number until twelve men be drawn, who shall appear; and after all just causes of challenge allowed, shall remain as fair and indifferent, and the said twelve men, so drawn, and appearing, and approved as indifferent, their names being marked in the panel, and they being sworn, shall be the jury to try the issue; and the names of the men so drawn and sworn, shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall, by consent of the parties, or by leave of the Court, be discharged, and then the same names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so *toties quoties* as long as any issue remains to be tried: Provided always, That if any issue shall be brought on to be tried in the said Court, before the jury in any other issue shall have brought in their verdict or been discharged, it shall be lawful for the Court to order twelve of the residue of the said pieces of parchment or paper, not containing the names of any of the jurors who shall not have so brought in their verdict or been discharged, to be drawn in such manner as is aforesaid, for the trial of the issue which shall be so brought on to be tried: Provided also, That where no objection shall be made on behalf of the Queen or any other party, it shall be lawful for the Court to try any issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and re-drawn, or to order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may be justly challenged or excused by the Court, to be set aside, and another name or names to be drawn from the box, and to try the issue with the residue of such original jury, and with such man or men whose name or names shall be so drawn, and so *toties quoties* as long as any issue remains to be tried.

Presiding Judge
may order a
Special Jury.

XX. That it shall and may be lawful for the presiding Justice of the Supreme Court, upon motion made upon behalf of the Queen, or upon behalf of any prosecutor, relator, plaintiff or demandant, or of any defendant or tenant in any case whatsoever,

whether civil or criminal, excepting only informations for treason or felony, depending in the said Court, and the said Justice is hereby authorized and required, in any of the cases before mentioned, to order and appoint a special jury to be struck for the trial of any issue joined in any of the said cases; and every jury so struck, shall be the jury returned for the trial of such issue.

XXI. That whenever any special session of oyer and terminer shall be held, the jury required for the same shall be drawn and summoned in manner hereinbefore provided, and any juror so summoned and making default, shall be liable to be punished as is hereinbefore mentioned.

XXII. That it shall be the duty of the Judge of the said Supreme Court, to select annually from the list of jurors returned to such Court, immediately after such lists shall have been returned to the Clerk of the Crown, the names of all esquires, merchants, and other persons, whom such Judge shall deem qualified to serve as special jurors for the year for which they have been returned, and selected as aforesaid, and the panel so formed shall not be altered during the year: Provided, however, that such special jurors shall be liable to be drawn, and to serve on other juries, their selection as special jurors to the contrary notwithstanding.

XXIII. That whenever a special jury shall be ordered to be struck, the Clerk of the Crown shall appoint a time and place for the nomination of such special jury, notice of which time and place shall be given to all the parties in any of the cases aforesaid, and the Clerk of the Crown at the time and place appointed, shall in the presence of all the parties in any of the cases aforesaid, and of their attorneys (if they respectively choose to attend, or if the said parties or their attorneys, all or any of them do not attend, then in their absence), put all the said pieces of parchment or paper whereon are written the names of men qualified and liable to serve as aforesaid as special jurors, into a box to be by him provided for that purpose, and after having shaken them together, shall draw out of the said box forty-eight of the said pieces of parchment or paper, one after another, and shall, as each piece is drawn, read aloud the name thereon written, and if at the time of so reading any name, either party, or his, her, or their attorney shall object that the man whose name shall have been so read is in any manner incapacitated from serving on the said jury, and shall also then and there prove the same to the satisfaction of the said Clerk of the Crown, such name shall be set aside, and the said Clerk of the Crown shall in like manner draw out another piece of parchment or paper and read aloud the name thereon written, which name may in like manner be set aside and other names resorted to, according to the mode of proceeding, hereinbefore described, for the purpose of supplying names in the places of those set aside, until the whole number of forty-eight names, not liable to be set aside, shall be completed: and if it shall so happen that the whole number of forty-eight names, cannot be obtained from the Special Jurors' List, then, and in such case the said Clerk of the Crown shall fairly and indifferently take such a number of names from the general list of jurors, in addition to those already taken from the special jurors' list, as shall be required to make up the full number of the forty-eight names, all and every of which forty-eight names, shall, in such case, be deemed and taken to be those of special jurors; and the said Clerk

No. 1.
Ord. No. 3,
1853.

Juries at special Sessions of Oyer and Terminer.

Who shall be Special Jurors.

Mode of drawing Special Jury.

No. 1.
Ord. No. 3,
1853.

of the Crown shall afterwards make out a list of the forty-eight names, and deliver a copy thereof to each party, who shall each strike thereout twelve names, and then return the said lists to the said Clerk of the Crown; and after the lists of jurors shall be so reduced, a writ of *venire facias* shall be issued from the aforesaid Court, directed to the Provost Marshal or his deputy as aforesaid, to summon the twenty-four persons whose names remain in such reduced list, and the said Marshal shall then proceed to summon the said Jurors in the same and the like manner as is already herein directed to be observed, in the summoning of jurors to serve in the said Court.

Expense of
Special Jury
to be paid by
party applying
for same.

XXIV. That the person or party who shall apply for a special jury, shall pay the fees for striking such jury, and all the expenses occasioned by the trial of the cause by the same, and shall not have any further or other allowance for the same, upon taxation of costs, than such person or party would be entitled unto, in case the cause had been tried by a common jury, unless the Judge before whom the cause is tried, immediately after the verdict, certify under his hand, upon the back of the record, that the same was a cause proper to be tried by a special jury.

Writ of view
not necessary.

XXV. That in cases depending in any of the said Courts aforesaid, where a view shall be applied for and allowed, by any such Court, a writ of view shall not be necessary nor used, but whether such view is to be had by a common or a special jury, it shall be sufficient to obtain a Rule of Court or a Judge's order, directing such view to be had, and the subsequent proceedings shall be the same as the proceedings heretofore had under a writ of view; and the Provost Marshal shall, upon request, deliver to either party the names of the viewers, and also give their names to the clerk of the Court, that they may be called as jurymen upon the trial.

XXVI. That upon the trial of any issue, civil or criminal, in any of the said Courts, the same and the like challenges of jurors shall be allowed as would be allowed by the common and statute law of England, upon the trial of a like issue in Her Majesty's Courts of Queen's Bench and Common Pleas at Westminster; and further, that the want of qualification under this Ordinance shall also be a good cause of challenge.

Deficiency
of Jurors pro-
vided for.

XXVII. That when a full jury shall not appear before any of the said Courts, or when after appearance of a full jury, by challenge of any of the parties the jury is likely to remain untaken from the default of jurors, every such Court upon request made for the Queen by any one thereto authorized or assigned by the Court, or on request made by the parties plaintiff or demandant, defendant or tenant, or their respective attorneys in any action or suit whether civil or criminal, shall name and appoint as often as need shall require, so many of such other able and qualified men, then present at the said Court or to be elsewhere found in the Island of Grand Turk, as shall make up a full jury; and shall add and annex the names of such men duly qualified as shall be present or can be found as aforesaid to the former panel; and the Queen by any one so authorized or assigned as aforesaid, and all and every the parties aforesaid, shall and may in each of the cases aforesaid, have their respective challenges to the jurors so added and annexed, and the Court shall proceed to the trial of every such issue with those jurors who were before empanelled, together with the talesmen so

newly added and annexed, as if all the said jurors had been returned upon the original writ of *venire facias*.

XXVIII. That if any man, having been duly summoned to attend on any kind of jury, in any of the said Courts, shall not attend in pursuance of such summons, or being thrice called shall not answer to his name, or if any such man or any talesman after having been called, shall be present but not appear, or after his appearance, shall wilfully withdraw himself from the presence of the Court, the Court shall set such fine upon every such man or talesman so making default (unless some reasonable excuse shall be proved by oath or affidavit) as the Court shall think meet; Provided always, that the said fine shall in no case, for any one offence, exceed the sum of Five pounds.

XXIX. That nothing in this Ordinance contained shall extend, or be construed to extend, to deprive any alien indicted or impeached of any felony or misdemeanour, in any of the before-mentioned Courts, of the right of being tried by a jury *de medietate lingue*, but that on the prayer of every such alien so indicted or impeached, the Provost Marshal or other proper officer shall, by command of the Court, return for one half of the jury a competent number of aliens, if so many there be in the aforesaid islands of Grand Turk and Salt Cay, and if not, then so many aliens as shall be found in the said islands; and that no such alien juror shall be liable to be challenged for want of freehold or of any other qualification required by this Ordinance, but every such alien may be challenged for any other cause in like manner as if he were qualified by this Ordinance.

XXX. And whereas, the prosecution of criminal offences by indictment, is attended with great uncertainty, from the absence of knowledge, on the part of juries of the particular facts of the different cases which are submitted by bills of indictment for their consideration, and the facility which is thereby afforded to unwilling witnesses to withhold material points of evidence; and the mode of proceeding by such bills of indictment before juries, is attended with other inconveniences and disadvantages, which materially interfere with the due administration of criminal justice, and tend to facilitate the escape of offenders, for remedy whereof, be it therefore further ordained, that no procedure by indictment in criminal cases shall be, and the same is hereby abolished.

XXXI. That all examinations, informations, bailments, and recognizances, taken by any Justice or Justices of the Peace for any island or district of this colony, relative to any criminal offence whatsoever, in which such Justice or Justices shall not exercise the power of summary adjudication, invested in them by any Act or Acts of Assembly, shall, whenever such Justice or Justices have decided on sending the case for trial, be returned and delivered by such Justice or Justices to the office of the Queen's Advocate at Grand Turk, who shall proceed against and prosecute the person or persons charged and accused in such examinations and informations, or such of them as the Queen's Advocate may not deem expedient to admit as approvers by information, according to the form to the Schedule to this Ordinance annexed marked C.

XXXII. That every such information as last aforesaid, shall be exhibited in open Court by the Queen's Advocate, or some duly qualified Counsel, authorized by him in that behalf, and shall

No. 1.
Ord. No. 3,
1853.

Penalty for
nonattendance
of Jurors.

Jury de
medietate
lingue.

Proceedings
by indictment
abolished.

Informations
not intended
for summary
adjudication
forwarded to
the Queen's
Advocate.

Mode of
procedure.

No. 1.
Ord. No. 3,
1853.

thereupon be filed as a record in the office of the Clerk of the Crown, at Grand Turk; and the trial of the person or persons, charged in every such information, shall then proceed in the same and the like manner, and shall be subject in all respects to the same and the like incidents, as a trial by indictment after bill of indictment found by a grand jury was formerly proceeded with and subject to, except so far as the mode of conducting such trial, and the law relative thereto, is altered by this Ordinance.

Remuneration
for Jurors
from Salt Cay.

XXXIII. That in lieu of all other charges, the jurors summoned in attendance from Salt Cay at the Court at Grand Turk, shall each be paid the sum of six shillings and threepence per diem, (whilst in attendance,) upon a certificate from the Judge of the said Court; when it shall be lawful for the President to issue a warrant for the payment of the same.

Explanation
of terms.

XXXIV. That the word "misdemeanour" as used in the third section of the Act of the fourth year of King William the Fourth, entitled, "An Act for improving the administration of criminal justice in these islands, for suspending certain Acts therein mentioned, and for other purposes," shall be construed to apply to, and comprehend, all offences below the degree of felony, for which, previous to the commencement of the said Act, an indictment could have been preferred at common law or by statute, either at the instance of the Crown, or of a private prosecutor; and it shall be the duty of every Justice of the peace, within his district, to receive informations, and take examinations and affidavits, in all such cases as aforesaid, and to proceed therein as directed by the said recited section of the said Act.

Two-thirds
of a Jury may
find a verdict.

XXXV. That in all criminal cases, other than cases in which the penalty of death is affixed by law to the offence, and in all civil cases, the verdict may be found, given, and returned by two-thirds of the jury, empanelled to try the issue or issues joined in any such criminal or civil case, and any verdict so found, given, and returned, shall have the same force, validity, and effect as if the same was found, given, and returned by the unanimous voice of such jury, any law, usage, or custom to the contrary notwithstanding.

Verdict of
not proven.

XXXVI. That whenever the jury, empanelled to try any person or persons charged with any felony or misdemeanour, shall not be satisfied of the innocence of the party or parties accused, but shall at the same time consider the evidence produced on the part of the Crown as insufficient to authorize the conviction of such party or parties, then, and in every such case, it shall be lawful for such jury to return a verdict of "not proven," which verdict shall have the same and the like legal effect as a verdict of not guilty.

Penalty for
neglect of the
Clerk of the
Crown to fur-
nish Precept.

XXXVII. That if the Clerk of the Crown shall neglect or refuse to deliver to either of the persons appointed under this Ordinance the precept hereinbefore directed, within the time hereinbefore limited, or shall neglect or refuse to make up the jurors' book, as hereinbefore directed, any such Clerk of the Crown so offending, shall for every such offence, forfeit the sum of Twenty-five pounds, to be recovered in the Court aforesaid, by action of debt, bill, plaint, or information, wherein no protection or wager of law shall be allowed, and when recovered, the same shall be paid into the public treasury of these islands, and applied towards defraying the contingent expenses of this government.

XXXVIII. That all penalties and forfeitures, levied under the authority of this Ordinance, shall be paid into the public treasury of these islands in aid of the general revenue.

XXXIX. That if any suit or action shall be prosecuted against any person for anything done in pursuance of this Ordinance, such person may plead the general issue, and give this Ordinance and the special matter in evidence, at any trial to be had thereupon; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue his action, after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover double costs, and have the like remedy for the same as any defendant hath by law in other cases.

XL. Provided always, That nothing herein contained shall extend or be construed to extend to alter, abridge, or affect any power or authority which any Court or Judge now hath, or any practice or form in regard to trials by jury, jury process, juries or jurors, except in those cases only where any such power or authority, practice or form, is repealed or altered by this Ordinance, or is or shall be inconsistent with any of the provisions thereof.

XLI. That notwithstanding anything to the contrary in this Ordinance contained, the following Acts of the Bahama Legislature, at present in force within these islands—to wit:

4th William 4, ch. 13, entitled an Act for the regulation of juries.

8th Victoria, ch. 18, entitled an Act to amend an Act entitled an Act for the regulation of juries.

11th Victoria, ch. 20, entitled an Act to amend an Act entitled an Act for the regulation of juries.

11th Victoria, ch. 21, entitled an Act for the better regulation of trial by jury—

shall be, and the same are declared to be and remain in full force and effect, until after the session of the Supreme Court of these islands to be holden on the third Tuesday in August, which shall be in the year One thousand eight hundred and fifty-four; and that from and after the close of the said session of the Supreme Court, the said recited Acts shall be, and the same are hereby declared to be, repealed.

XLII. Provided however, and be it further ordained by the authority aforesaid, That this Ordinance and every clause, matter, and thing therein contained, and each and every part and all parts of the same, may be repealed, suspended, amended, or otherwise altered, by any other Ordinance or Ordinances to be hereafter passed, in and during the same present session of the Legislative Council, any law, rule, usage, or practice of the said Council, to the contrary notwithstanding.

No. 1.
Ord. No. 3,
1853.

Persons sued
under this
Ordinance.

Power of
Court not
abridged as
to Juries.

Bahama Acts
Repealed.

This Ordinance
may be repealed
during this
Session.

SCHEDULE A.

TURKS AND CAICOS ISLANDS.

To A. B.

constable at

You are hereby required and commanded to make out and prepare an alphabetical list of the names of persons qualified and liable to serve as jurors residing in the island of

No. 1.
Ord. No. 3,
1853.

and in such list you are to include the names of all persons so qualified and liable to serve as aforesaid, stating the christian name and surname of every such person in writing at full length, and the nature of the qualification of such person, in the manner set forth in the form herewith sent you, and such list you are to have ready, and send the same to the Justices of _____ on or before the second Tuesday in July next. And you are also required on receiving the said list from the Justices aforesaid, forthwith to cause _____ copies thereof to be made _____ and _____ copies thereof to be affixed to _____ conspicuous places at _____ aforesaid, keeping a copy thereof for public inspection; and such list you are again to lay before the said Justices at their quarterly meeting in the month of October next, to be by them transmitted to the Clerk of the Crown of these islands.

[L.S.] Witness my hand and the Seal of the Supreme
Court of the said islands, the _____ day
of _____ A.D. 18
C. D.,
Clerk of the Crown.

SCHEDULE B.

GRAND TURK (or Salt Cay as the case may be).

The return of A. B. _____ constable of
of persons qualified to serve as jurors.

NO.	NAME.	QUALIFICATION.
1	Adams, John	Freeholder.
2	Armstrong, William	Housekeeper.
3	Bell, James	Property Qualification.

SCHEDULE C.

IN the Supreme Court (or other Court as the case may be) of
the Turks and Caicos Islands.

GRAND TURK.

Be it remembered that A. B. Esquire, Advocate for our Sovereign Lady the Queen, for the said islands, (or Clerk of the Crown as the case may be) who for our said Lady the Queen prosecutes in this behalf in his proper person, comes into the (here insert the title of the Court) of our said Lady the Queen for the said islands, before (here insert the proper description of the Judge or Judges) at (here insert the place where the Court is holden) on _____ and for our said Lady the Queen gives the Court here to understand and be informed &c. (proceed to state the offence with the same certainty as in an indictment). In introducing averments instead of the words "and the jurors aforesaid, upon their oaths aforesaid, do further present" the words "and the said advocate of our said Lady the Queen (or Clerk of the Crown as the case may be) for our said Lady the Queen further gives the Court here to understand and be informed that"—must be used.

No. 2.—ORDINANCE No. 2, 1854.

An Ordinance to amend Ordinance No. 3 of 1853 for the regulation of Juries within the Turks and Caicos Islands. (Passed 29th June, 1854. Confirmed 11th May, 1855.)

No. 2.
Ord. No. 2,
1854.

WHEREAS by the thirty-fifth clause of Ordinance No. 3 of 1853 for the regulation of juries, it is ordained, That in all cases, except criminal cases, where death is the penalty fixed by law for such offences, a verdict may be returned by two-thirds of the jury, sworn to try such case; and it is expedient that some restriction should be imposed upon jurors in such case, to prevent hasty decisions; May it, &c.

PREAMBLE.

I. That in all such cases no verdict, except it be returned by the unanimous vote of the whole of the jurors, shall be received and recorded, except such jurors shall have first continued in deliberation upon the same, for the period of three hours or more. And if after the expiration of twelve hours, two-thirds of such jurors shall not concur in such verdict, or assessment, such jury shall be discharged, and the cause so left undecided, may, without any new process for that purpose, be again set down for trial, or assessment, as the case may be, either at the same or any subsequent sittings, as the Court, or presiding Judge, may think fit to order.

No verdict unless unanimous to be received until after three hours' deliberation by a Jury. Jury to be discharged unless a verdict is given within 12 hours.

II. That in all cases of felony, in which an information is filed for an offence, the punishment of which is death; and in which the jury may by law acquit the accused of the higher offence charged, and may convict him of some offence not punished capitally; in every such case the verdict of the jury may be returned by two-thirds of such jurors, in the same manner as if such information had charged the offender with such minor offence only.

On information for a capital offence which includes a minor offence, two-thirds of a Jury may find such minor offence. Exemptions to serve on Juries under 2nd section of Ordinance No. 3 of 1853, not to extend to Special Jurors.

III. And whereas in a community so limited as that of these islands, the causes which exempt persons, otherwise qualified, from serving on juries, are unnecessarily numerous; Be it therefore further ordained, That from henceforth all persons now exempted from serving on juries, by the second section of Ordinance No. 3 of 1853, shall be liable to serve on special juries only; and the names of all such persons shall be included in the annual jury lists made up according to law.

IV. And whereas by the thirty-eighth clause of the aforesaid Ordinance, it is enacted that all penalties and forfeitures levied under the authority of the aforesaid Ordinance, shall be paid into the public treasury of these islands, in aid of the general revenue; and it is expedient that all such penalties and forfeitures should be reserved to the use of Her Majesty, her heirs and successors, for the public use of the colony, and the support of the government thereof; Be it therefore further ordained, That all penalties, and forfeitures, imposed and levied under the said Ordinance, shall be reserved to and for the use of Her Majesty, her heirs and successors, and applied towards the support of the government of these islands.

All penalties to be reserved to Her Majesty for the support of the Government.

CLASS V.

COURT OF WRECK AND SALVAGE CASES.

No. 1.
Ord. No. 6,
1860.

No. 1.—ORDINANCE No. 6 of 1860.

An Ordinance to amend and consolidate the Laws relating to Wrecks within these Islands, and to establish a Court to inquire into cases of Wreck and to settle disputed cases of Salvage.
(Passed 11th April, 1860. Confirmed 27th November, 1860.)

PREAMBLE.

WHEREAS it is expedient that the laws relating to wrecks within these islands should be consolidated and amended, and that a competent tribunal should be established within the same, for holding special inquiries into wrecks, and for settling disputed cases of salvage; May it, &c.

Court of inquiry into cases of wreck established.

I. That there shall be established within these islands a Court to be known by the title of the Court of Inquiry into cases of wreck and salvage of the Turks and Caicos Islands, which Court shall have cognizance of, and jurisdiction to inquire into, hear, try, determine, and settle all cases of wreck which may occur within these islands, and all cases of salvage which may be brought before it.

How constituted.

II. That the said Court shall consist of the Judge of the Supreme Court of these islands for the time being, and two fit and proper persons to act as assessors, who shall, from time to time, be nominated by the President.

Where and when to meet.

III. That the said Court shall be holden at the Court House at Grand Turk, and shall meet whenever the President shall direct a Court of Inquiry to be held, or whenever an appeal to such Court is made in manner hereinafter directed, and such Court shall have power to adjourn from time to time as often as may be necessary.

Appointment of a clerk.

IV. That it shall be lawful for the President to appoint some fit and proper person to be clerk to the said Court.

Process how served.

V. That all summonses and warrants to be issued out of the said Court shall be under the hand of the Judge and the seal of the said Court, and shall be directed to the High Constable, who shall serve the same, or cause them to be served by some other constable.

Practitioners in the said court.

VI. That all attorneys of the Supreme Court may practise as Council of the said Court.

The President may direct a case of wreck to be investigated by the Court of Inquiry.

XXVIII. If it appears to the President either upon, or without such preliminary inquiry as aforesaid, that a formal investigation is requisite or expedient, he shall direct the Court to hear the case; and such Court shall thereupon proceed to hear and try the same, and shall for that purpose so far as relates to the summoning of parties, compelling the attendance of witnesses, and the regulation of the proceedings, have the same power as if the same were a proceeding relating to an offence or cause of complaint upon which Justices of the Peace have power to make a summary conviction or order, or as near thereto as circumstances permit, and upon the conclusion of the case the said Court shall send a report to the President containing a full statement of the case, and of its opinion

thereon, accompanied by such extracts from the evidence and such observations (if any) as it may think fit.

XXIX. And if in the course of any such investigation, it shall appear to the Court conducting the same, that there is a reasonable ground for believing that any criminal offence, over which the courts of law of the colony, or the magistrates thereof have jurisdiction, has been committed by any person or persons whomsoever, it shall be lawful for such Court to deal with the person or persons on whom such suspicion rests, as aforesaid, in the same and like manner, as if such person or persons had been brought before a Justice or Justices of the Peace, charged with such offence as aforesaid; and all subsequent proceedings for the investigation of the charge, and trial of such person or persons, shall be had and conducted in the same and the like manner as if a charge had been regularly made against such person or persons in the ordinary form in which criminal charges are laid.

XXXVIII. That all fines and pecuniary penalties imposed by this Ordinance, the recovery of which is not otherwise provided for, shall when the amount thereof does not exceed Ten pounds, be recovered before any one of Her Majesty's Justices of the Peace, and when the same shall exceed Ten pounds, shall be recovered in the Supreme Court of these islands, and the payment of all such fines, and penalties shall be enforced by levy and sale of the offender's goods and chattels, or by arrest of the person of the offender, and the committal thereof to any lawful prison within the colony: Provided however, that no imprisonment under this clause shall extend to a longer period, in case of a recovery before a Justice of the Peace, than six months, nor in case of recovery in the Supreme Court, to a period of two years: and provided also, that imprisonment in any such case shall always cease upon the payment of the fine and penalty, and costs of proceeding.

XXXIX. That all offences under this Ordinance, in which the mode of proceeding is not by this Ordinance defined, shall be tried in the Supreme Court of these islands, and it shall be lawful for the said Court on the conviction of a person for any such offence, or for any other offence over which the said Court shall have jurisdiction, as also for any Justice or Justices of the Peace in cases in which such Justice or Justices has or have the power of summary adjudication, to add to any sentence, which they may now or hereafter be empowered to pass upon any person who shall have been duly convicted of any offence punishable by law, that the convicted person shall be either for a definite period, or thereafter wholly disqualified from commanding or serving on board of a wrecking vessel or boat.

XLIV. Whenever any ship or boat is wrecked, stranded, or otherwise in distress, and services are rendered by any person,

1st. In assisting such ship or boat.

2nd. In saving the lives of the persons belonging to such ship or boat.

3rd. In saving the cargo, or apparel of such ship, or boat, or any portion thereof, there shall be payable by the owners of such ship or boat, cargo, apparel, or wreck, to the person by whom such services are rendered, or by whom such wreck is saved, a reasonable amount of salvage, to be determined in case of dispute, in manner hereinafter mentioned.

No. 1.
Ord. No. 6,
1860.

In case of criminal offences how offender to be dealt with.

Fines and penalties how recovered.

Proceedings not defined by this Ordinance, to be tried in Supreme Court.

Reasonable compensation to be paid by owners for services rendered to vessels in distress.

No. 1.
Ord. No. 6,
1860.

Disputed cases
of salvage to
be settled by
Justices of the
Peace or be-
fore the Court
of Inquiry.

XLV. That whenever any dispute shall arise between the master, chief officer, owner, agent, or consignee of any such ship, boat, cargo, apparel, or wreck as aforesaid, or in case of derelict property, or unclaimed wreck, the Provost Marshal, and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree to the settlement thereof, then such dispute may, with the consent of the parties, be referred to the arbitration of two Justices of the Peace, of whom each party to the dispute shall nominate one, and in the event of such Justices disagreeing as to the amount of salvage to be awarded, such Justices shall select and appoint a third Justice of the Peace, who shall act as an umpire. Provided always, that if either of the parties to the dispute does not consent to have the amount of salvage referred to arbitration, or if after an arbitration either party is dissatisfied with the award given by such Justices, or umpire as aforesaid, then upon application by either of the said parties or their respective agents, every such disputed claim with respect to salvage may be heard and adjudicated by the said Court of Inquiry.

XLVII. That the said Justices, or their umpire, or the said Court may call for the production of any documents in the possession or power of either party which they or he, or the said Court may think necessary for determining the question in dispute, and may examine the parties, or their witnesses on oath, and administer the oaths necessary for that purpose.

See the Ordinance in extenso, *post*, Part VIII., Class V.

CLASS VI.

COURTS FOR ADJUDICATING IN CASES OF PETTY DEBTS, &c.

No. 1.
Act 8 Vic.
c. 30.

No. 1.—8 *Vic. ch.* 30. The following fees for business transacted in the Petty Debt Court are established by sections eight, nine, and ten of this Act:—

1st. Justice of the Peace, sect. 9.—	<i>s.</i>	<i>d.</i>
For every writ or summons - - - - -	0	6
For every oath - - - - -	0	6
For hearing every cause and giving judgment - - - - -	1	0
2nd. Clerk of the Court, sect. 10.—		
For every summons - - - - -	0	6
For entering every cause - - - - -	0	6
For recording proceedings - - - - -	0	6
For every affidavit in writing - - - - -	0	6
3rd. Constable, sect. 8.—		
For serving every summons - - - - -	0	9
For executing every writ of execution - - - - -	1	6
The other clauses of this Act are not in force at these islands.		

No. 2.—10 Vic. ch. 20. *An Act for making provision for the recovery of Small Debts on certain Islands of this Colony.* (26th February, 1847.)

No. 2.
Act 10 Vic.
c. 20.

WHEREAS, it is expedient to make due provision for the recovery of small debts on the several islands of this colony; May it, &c., That each and every of Her Majesty's Justices of the Peace of any island, within this colony, shall have jurisdiction to hear and render judgment, without the intervention of a jury, in all cases of debt or assumpsit, whenever the sum of money claimed shall not exceed the sum of Five pounds sterling.

PREAMBLE.
Out-Island
Justices of
the Peace to
have jurisdiction
to the extent of 5*l.* in
cases of debt
and assumpsit.
Action to commence
by writ
of summons.

II. That all actions under the authority of this Act shall be commenced by summons under the hand and seal of one of Her Majesty's Justices of the Peace, which summons shall be personally served on the defendant or defendants, except in cases where it is made to appear to the satisfaction of the Justice that any defendant is keeping out of the way for the purpose of avoiding the service of such summons, when it shall be lawful for such Justice to order and direct that the leaving of such summons at the defendant's place or last known place of abode, shall be deemed a sufficient service.

III. That it shall and may be lawful for any such Justice of the Peace to proceed to hear all cases of debt or assumpsit aforesaid, in which summonses have been duly served, and on such hearing shall examine on oath or affirmation, as the case may be, the witnesses produced on both sides, and shall give judgment according to the justice and equity of each particular case, and award execution in manner hereinafter directed: Provided always, that it shall be lawful for such Justice in his discretion to postpone the hearing of any case from time to time, upon sufficient cause shown.

Power of Jus-
tices at hearing.

IV. That it shall be lawful for any Justice of the Peace by whom judgment has been pronounced, for a plaintiff to fix the time within which the amount awarded, with the costs of proceeding, shall be paid by the defendant; and it shall be lawful for such Justice to direct payment to be made in instalments, and execution shall only issue at the expiration of the period named for the payment of any instalment, and for such amount only as shall from time to time be in arrear and unpaid.

On judgment
being pro-
nounced, Jus-
tice to fix the
time for pay-
ment of debt.

V. That when, upon the hearing of any case before such Justice of the Peace, judgment shall be given for the defendant, it shall be lawful for such Justice to amerce the plaintiff with costs of the proceedings, and in default of payment in the manner fixed by the Court, execution for the same shall issue in manner hereinbefore mentioned.

Plaintiff may
be amerced in
costs.

VI. That every writ of execution under the authority of this Act, shall issue under the hand and seal of the Justice giving judgment in the case, and shall be directed to some lawful constable, commanding such officer to levy the amount mentioned in such writ of the goods and chattels of the person against whom such writ is issued, and it shall be the duty of such constable upon the receipt of such writ to proceed without delay in the execution thereof, by arresting the goods and chattels of the party named therein, and such goods and chattels having been so arrested, the said constable shall at the expiration of five days sell and dispose

Writs of exe-
cution to issue
under the hand
and seal of the
Justice.

No. 2.
Act 10 Vic.
c. 20.

of the same, or of so much thereof as will liquidate the amount mentioned in the writ, and shall forthwith pay the amount of such sales over to the Justice by whom such writ may be issued to be by him paid to the proper party or parties.

VII. Repealed by 11 Vic. ch. 3.

Fees.

VIII. That each Justice of the Peace issuing process under this Act, shall be entitled to have and receive for the use of himself,* clerk and constable, the like fees as are payable on suits for the recovery of small debts under an Act of the Bahama Legislature passed in the eighth year of your Majesty's reign, entitled "An Act to abolish the Inferior Court in the Island of New Providence, and for transferring the jurisdiction thereof to the Judges of the General Court, and for other purposes."

Acts repealed.

IX. Repeals 13 Geo. 3, ch. 1; 10 Geo. 4, ch. 7; 4 Vic. ch. 4; and 7 Vic. ch. 2.

No. 3.
Act 11 Vic.
c. 3.

No. 3.—11 Vic. ch. 3. *An Act to amend the Laws regulating the recovery of Small Debts and Damages.* (22nd March, 1848.)

PREAMBLE.
Recital of Act
of 10 Vic. c. 20.

WHEREAS in and by an Act passed in the tenth year of your Majesty's reign, entitled "An Act for making provision for the recovery of Small Debts in certain islands of this colony," it is amongst other things enacted, that each and every of Her Majesty's Justices of the Peace of any island within this colony, shall have jurisdiction to hear and render judgment without intervention of a jury, in all cases of debt and assumpsit, wherein the sum demanded shall not exceed the sum of Five pounds sterling. And whereas it is expedient that the jurisdiction of the Justices of the Peace under the said Act should be extended to other actions than those of debt and assumpsit; May it, &c., That from and after the passing of this Act, the several Justices of the Peace, at the several islands of this Government, shall have cognizance of actions of trespass to real and personal property, and actions of trover, wherein the amount of damages claimed shall not exceed the sum of Five pounds sterling, and wherein in cases of trespass to real property, no question as to the title of the land alleged to have been trespassed on shall be involved.

Jurisdiction of
Justices ex-
tended to ac-
tion of trespass
and trover,
wherein the
damages do
not exceed 5*l*.

The provisions
of 10 Vic. c. 20,
extended to all
cases adjudi-
cated on by
Justices of the
Peace.

II. That the several provisions of the before-mentioned Act of the tenth year of Her Majesty's reign, regulating the mode of proceeding in cases of debt or assumpsit heard and adjudicated on before a Justice of the Peace under the said last-mentioned Act, from the commencement to the final hearing and rendering judgment, and award of execution, and levy and sale thereunder, as also regulating the liabilities of the parties, plaintiffs and defendants, to the payment of costs, shall, except as the same are altered by this Act, extend, apply to, and govern all cases heard and adjudicated on by a Justice of the Peace, under the authority of this Act, in the same and the like manner as if the said provisions were embodied in this Act, and in express words referred to the cases of trespass and trover in the first clause of this Act mentioned and specified.

* As to fees of the Justice, see Ord. 12, 1855, sec. 28, *post*, Part IV., Class XII.

III. That the jurisdiction of a Justice of the Peace under this Act, and of the aforesaid Act of the tenth year of Her Majesty's reign, shall be confined to cases wherein the cause of action shall have arisen within the district for which such Justice is commissioned to act; and to cases wherein the cause of action having arisen out of such district, the defendant, or one of the defendants, shall reside or carry on business therein.

IV. That when any summons or writ of execution is required to be served or executed out of the district for which the Justice issuing such summons or writ of execution is commissioned to act, it shall be lawful for the person at whose instance such summons or writ of execution issued to deliver, or cause the same to be delivered to a Justice of the Peace for the island or district in which the same is to be served or executed, and it shall thereupon be lawful for such last-mentioned Justice, and he is hereby required forthwith, to indorse his name on such summons or writ of execution, and to deliver it for service or execution to some lawful constable of his district, who shall thereupon proceed to serve or execute such summons or writ of execution, in the same and the like manner as if such summons or writ of execution had originally been issued by a Justice of the Peace for the district in which such constable is authorized to act, and every Justice indorsing any such summons or writ of execution shall be entitled to a fee of one shilling, to be paid in the first instance by the party at whose instance such indorsation was made, but shall afterwards be chargeable as costs in the suit, and the constable serving or executing such indorsed summons or writ shall be entitled to the fees of service or levy, as the case may be, prescribed by the Acts to which this is an amendment, and the service of any such indorsed summons, as aforesaid, shall be proved by affidavit made before a Justice of the Peace for the district wherein such service took place.

V. That the jurisdiction of the said Justices of the Peace, under the before-mentioned Act of the tenth year of Her Majesty's reign, shall extend to the recovery of any demand not exceeding the sum of Five pounds which is the whole or part of the unliquidated balance of a partnership's account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will, or which is the amount of any penalty imposed by the rules of any body, corporate or public body, or institution, or other legal society, upon the members thereof, or subscribers thereto, for any infraction of the rules of any such body corporate, public body or institution, or other society.

VI. That it shall be lawful for any executor or administrator to sue and be sued before a Justice of the Peace, as aforesaid, in like manner as if he were a party in his own right: and judgment and execution shall be such, as in the like case would be given or issued in any superior Court.

VII. That no privilege shall be allowed to any person to exempt him from the jurisdiction of a Justice of the Peace under the said Act of the tenth year of Her Majesty's reign or of this Act.

VIII. That where any plaintiff shall have any demand recoverable before a Justice of the Peace under this Act, or the Acts hereinbefore mentioned, against two or more persons jointly answerable, it shall be sufficient if any of such persons be served with process, and judgment may be obtained and execution issued against

No. 3.
Act 11 Vic.
c. 3.

The jurisdiction defined of Justices.

Mode of service of summons.

Extent of jurisdiction of Justices further defined.

Lawful for Executors and Administrators to sue and be sued.

No privilege to exempt any person from jurisdiction of Court. Suits for accounts against two or more parties regulated.

No. 3.
Act 11 Vic.
c. 3.

Default of ap-
pearance of
Plaintiff.

the person or persons so served, notwithstanding that others jointly liable may not have been served or sued, or may not be within the jurisdiction of the Justice, and every such person against whom judgment shall have been obtained under this Act, and who shall have satisfied such judgment, shall be entitled to demand and recover contribution from any other person jointly liable with him.

IX. That if upon the day of the return of any summons, or upon any day to which the hearing of the cause for which the said summons shall have been issued may be postponed, the plaintiff shall not appear, the cause shall be struck out, and if he shall appear but shall not make proof of his demand to the satisfaction of the Justice, it shall be lawful for the Justice to nonsuit the plaintiff, or to give judgment for the defendant, and in either case where the defendant shall appear and shall not admit the demand to award to the defendant by way of costs and satisfaction for his trouble and attendance, such sum as the Judge in his discretion shall think fit, and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same Justice can be recovered: Provided always, that if the plaintiff shall not appear when called upon, and the defendant or some one duly authorized on his behalf shall appear, and admit the cause of action to the full amount claimed, the Justice may proceed to give judgment as if the plaintiff had appeared.

Default of ap-
pearance of
Defendant.

X. That if on the day so named in the summons, or at any continuation or adjournment of the cause in which the summons was issued, the defendant shall not appear, or sufficiently excuse his absence, or shall neglect to answer when called, the Justice upon due proof of service of the summons, may proceed to the hearing or trial of the cause on the part of the plaintiff only, and the judgment thereupon shall be as valid as if both parties had attended: Provided always, that the Justice in any such case, at the same or any subsequent Court, may set aside any judgment so given in the absence of the defendant, and the execution thereupon, and may grant a new trial of the cause, upon such terms, if any, as to payment of costs, giving security for debt or costs, or such other terms as he may think fit, on sufficient cause shown to him for that purpose.

Time may be
granted to
Plaintiff or
Defendant.

XI. That the Justice of the Peace, may in any case make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the suit, and also may, from time to time, adjourn the hearing, or further hearing of any cause, in such manner as such Justice may deem fit.

Who may be
examined.

XII. That on the hearing or trial of any action, or on any other proceeding before a Justice of the Peace under this Act, or either of the hereinbefore-mentioned Acts, the parties thereto, their wives, and all other persons may be examined, either on behalf of the plaintiff or defendant upon oath, or solemn affirmation, in those cases in which persons are by law allowed to make affirmation instead of taking an oath.

Perjury.

XIII. That every person who in any examination upon oath or solemn affirmation before a Justice of the Peace, in any proceeding under this Act, or either of the hereinbefore-recited Acts, shall wilfully and corruptly give false evidence, shall be deemed guilty of perjury.

XIV. That either of the parties to any suit or proceeding under

this Act, or the Acts before recited, may obtain from the Justice of the Peace, summonses to witnesses to be served by constable of the district in which the witnesses may reside or be, and any such summons may, at the option of the party obtaining it, be framed to contain a demand requiring the production of books, deeds, papers, and writings in the possession or control of the party to whom it is directed.

No. 3.
Act 11 Vic.
c. 3.

Books may be
produced in
evidence.

XV. That every person on whom any such summons shall have been served, and to whom at the same time payment or a tender of payment of his reasonable expenses shall have been made, and who shall refuse or neglect, without sufficient cause, to appear, or to produce any books, papers, or writings required by such summons to be produced, and also every person present at the hearing of any case, who shall be required to give evidence therein, and who shall refuse to be sworn and give evidence, shall forfeit and pay such fine, not exceeding five pounds, as the Justice shall set on him, and the whole or any part of such fine in the discretion of the Justice, after deducting the costs, shall be applicable toward indemnifying the party injured by such refusal or neglect, and the remainder thereof shall be paid into the Public Treasury in aid of the expenses of the Government.

XVI. That payment of any fine imposed by a Justice of the Peace under the authority of this Act may be enforced upon the order of the Justice, in like manner as payment of any debt adjudged before such Justice, and shall be accounted for as herein provided.

Enforcement
of fines.

XVII. That if there shall be cross judgments between the parties, execution shall be taken out by that party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered as well as satisfaction on the judgment for the smaller sum, and if both sums shall be equal, satisfaction shall be entered upon both judgments.

Cross judg-
ments.

XVIII. That if it shall at any time appear to the satisfaction of the Justice of the Peace by the oath or affirmation of any person, or otherwise, that any defendant against whom such Justice hath given judgment in any proceeding under the said Acts, or this Act, is unable from sickness, or other sufficient cause, to pay and discharge the debt or damages as aforesaid, it shall be lawful for the Justice, in his discretion, to suspend or stay any judgment, order, or execution given, made, or issued in such action, for such time and on such terms as the Justice shall think fit, and so from time to time, until it shall appear by the like proofs as aforesaid, that such temporary cause of disability has ceased.

Cases of absence
from sickness,
&c., provided
for.

XIX. That no imprisonment under the sixteenth section of the before-recited Act of the eighth year of Her Majesty's reign, shall in anywise operate as satisfaction or extinguishment of the debt in respect of which such imprisonment was imposed.

Debt not ex-
tinguished by
imprisonment
under a section
of 8 Vic.
Penalty on in-
sulting Judge
of Court.

XX. That if any person shall wilfully insult a Justice of the Peace acting under the authority of this Act, or of the said Act of the tenth year of Her Majesty's reign, during his sitting or attendance in Court, or shall wilfully interrupt the proceedings of the Court, or otherwise misbehave in Court, it shall be lawful for any officer of the Court or constable, with or without the assistance of any other person, by the order of the Justice, to take such offender

No. 3.
Act 11 Vic.
c. 3.

into custody and detain him until the rising of the Court, and the Justice shall be empowered, if he shall think fit, by a warrant under his hand and seal, to commit any such offender to any prison for any time not exceeding ten days, or to impose upon any such offender a fine not exceeding two pounds, for every such offence, and in default of payment thereof, to commit the offender to any such prison as aforesaid, for any time not exceeding ten days, unless the said fine be soon paid.

Penalty on
assaulting an
officer of Court.

XXI. That if any officer of Court or constable shall be assaulted while in the execution of his duty, or if any rescue shall be made or attempted to be made of any goods levied on under the authority of this Act, or of the hereinbefore-recited Act, the person so offending shall be liable to a fine not exceeding five pounds, to be recovered by order of the Justice, and in default of payment, to imprisonment with hard labour for any term not exceeding thirty days, in the discretion of the Justice, and it shall be lawful for the officer of the Court or any peace officer in any such case to take the offender into custody, with or without warrant, and bring him before such Justice accordingly.

Penalty for
neglect as to
levies.

XXII. That in case any officer of the said Court, or any constable who shall be employed to levy any execution against goods and chattels shall by neglect or connivance or omission lose the opportunity of levying any such execution, then upon complaint of the party aggrieved by reason of such neglect, connivance, or omission, and the fact alleged being proved to the satisfaction of the Justice on the oath of any credible witness, the Justice shall order such officer or constable as the case may be to pay such damages as it shall appear the plaintiff hath sustained thereby, not exceeding in any case the sum of money for which the said execution is issued, and the officer or constable shall be liable thereto, and upon demand made thereof, and on his refusal so to pay and satisfy the same, payment thereof shall be enforced by such ways and means as are herein provided for enforcing a judgment recovered before any such Justice.

Extortion in
officers of
Court, how
punished.

XXIII. That if any constable acting under colour or pretence of any process issued by a Justice as aforesaid shall be charged with extortion or misconduct, or with not duly paying or accounting for any money levied by him under the authority of this Act or of any of the hereinbefore recited Acts, or if any constable shall refuse or neglect to sue or execute any process delivered to him for service or execution, it shall be lawful for the Justice to inquire into such matter in a summary way, and for that purpose to summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced, and to make such order thereupon for the repayment of any money extorted, or for the due payment of any money so levied as aforesaid, and for the payment of such damages and costs as he shall think just, and also if he shall think fit to impose such fine upon the officer or constable not exceeding five pounds for each offence as he shall deem adequate, and in default of payment of any money so ordered to be paid, payment of the same may be enforced by such ways and means as are provided for enforcing a judgment recovered in the said Court.

Summary con-
victions may be
appealed from.

XXIV. That all summary convictions under this Act shall be subject to the provisions of an Act of the General Assembly of

these islands passed in the tenth year of Her Majesty's reign, entitled "An Act for the better regulating appeals in cases of summary convictions."

No. 3.
Act 11 Vic.
c. 3.

XXV. That any party, plaintiff, or defendant who may be dissatisfied with the judgment of the Justice of the Peace in any action or other proceeding under this Act, or either of the two hereinbefore recited Acts, shall have the right of appeal to the Supreme Court of these islands, and the necessary notice of such appeal and the security to try the same, and abide the judgment of the Court above, as also the mode of proceeding thereon shall be given, entered into and conducted in the same, and the like manner as is provided for by the said Act of the tenth year of Her Majesty's reign for regulating appeals in cases of summary conviction.

XXVI. That the seventh section of the before-recited Act of the tenth year of Her Majesty's reign shall be and the same is hereby repealed.

Certain sections of recited Act repealed.

XXVII. That in cases where the defendant or defendants shall not have goods and chattels which may be come at and levied upon sufficient to satisfy the debt, damages, and costs recovered under the provisions of this Act, it shall be the duty of the Justice of the Peace, before whom judgment as aforesaid was obtained, upon application made to him in that behalf, to grant to the plaintiff or plaintiffs his or their attorney or agent a certificate to the effect following:—

Mode of proceeding where Defendant has no goods and chattels.

To obtain process on landed property.

TURKS AND CAICOS ISLANDS.

I, A. B., Justice of the Peace for the Island of (as Certificate.
the case may be), do hereby certify that on the day of
in the year of our Lord one thousand eight hundred and
forty C. D. of the aforesaid islands, gentleman, obtained a
judgment before me against E. F. of the same place, planter, in an
action of debt, (assumpsit, trespass, or trover, as the case may be,)
for pounds, (state amount of debt and damages,) and
pounds costs. And I do hereby further certify that
although execution issued on the day of following
for the recovery thereof, no goods or chattels could be found
whereupon to levy the amount of the debt, damages, and costs
aforesaid, or goods and chattels to the amount of pounds
only have been found levied upon and sold, in satisfaction of the
said judgment.

Given under my hand and seal at the day of
A.D. 18 (Signed) A. B., J. P.
which said certificate being duly filed in the office of the Prothonotary of the Supreme Court of these islands, it shall and may be lawful for the Judge or acting Judge of the said Court to order the like process of execution upon the lands, tenements, and real estate of the said defendant or defendants as they are now by law empowered to grant in actions, suits, and causes originally commenced and prosecuted in the said Supreme Court. Provided always, and be it enacted, That one month's public notice of the sale of such lands and tenements aforesaid shall be sufficient for the purposes of this Act; and that the Provost Marshal or his lawful deputy to whom such execution shall be directed shall be entitled to charge and receive for the deed of conveyance executed in respect thereof the sum of four shillings and twopence only.

PART IV.

CRIMINAL LAW.

Class I.—TREASON.

Class II.—PIRACY.

Class III.—OFFENCES AGAINST THE PERSON AND MALICIOUS INJURIES TO PROPERTY.

Class IV.—LARCENY.

Class V.—FORGERY.

Class VI.—SLANDER.

Class VII.—CRIMINAL PROCEEDINGS IN THE SUPREME COURT.

Class VIII.—PRISON DISCIPLINE.

Class IX.—OFFICE OF CORONER.

Class X.—STIPENDIARY JUSTICES OF THE PEACE, AND THEIR JURISDICTION.

Class XI.—LAWS RELATING TO THE JURISDICTION AND DUTIES OF JUSTICES IN THE GENERAL COMMISSION OF THE PEACE.

Class XII.—POLICE REGULATIONS AND LAWS RELATING TO OFFENCES IN WHICH JUSTICES OF THE PEACE HAVE SUMMARY JURISDICTION.

Class XIII.—HEALTH OF TOWNS.

Class IV.—MILITIA AND VOLUNTEER RIFLE CORPS.

CLASS I.

TREASON.

No. 1.
Act 40 G. 3,
c. 2.

No. 1.—*By the declaratory Act 40 Geo. 3, ch. 2, sec. 3, it is declared that all and every the Acts and Statutes of the Parliament of England, or of Great Britain, which relate to the prerogatives of the Crown or to the allegiance of the people, are, and of right ought to be, in full force in this Colony; and in addition to this general declaration, the following Statutes relating to the offence of Treason are expressly extended to the Colony by the said declaratory Act,—viz. : 25 Edward 3, Statute 5, ch. 2; 34 Edward 3, ch. 12; and 20 Geo. 2, ch. 30.*

CLASS II.

PIRACY.

The following Acts of Parliament relating to this offence are in force here by the Bahama Act 40 Geo. 3, ch. 2; viz. : 27 Henry 8, ch. 4; 28 Henry 8, ch. 15; also 1 Vic. ch. 88, by 4 Vic. ch. 30.

See post, this Part, Class VII., No. 4.

CLASS III.

OFFENCES AGAINST THE PERSON, AND MALICIOUS INJURIES TO PROPERTY.

No. 1.—4 Wm. 4, ch. 6. *An Act relative to Offences against the Person.* (November 12th, 1833.)

No. 1.
Act 4 W. 4,
c. 6.

I. and II. Repealed by 4 Victoria, ch. 29.

III. That every offence, which before the commencement of this Act would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; and all persons guilty in respect thereof, whether as principals or as accessaries shall be dealt with, indicted, tried and punished as principals and accessaries in murder.

Petit Treason
deemed only
murder.

IV. That every person convicted of murder, or of being an accessory before the fact of murder, shall suffer death as a felon, without benefit of clergy; and every accessory after the fact to murder, shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour in the common gaol or house of correction, for any term not exceeding four years.

Punishment of
convicted mur-
derers and
accessaries
thereto.

V. That every person convicted of manslaughter, shall be liable at the discretion of the Court, to be imprisoned with or without hard labour, in the common gaol or house of correction, for any term not exceeding four years, or to pay such fine as the Court shall award, but to no other manner of punishment whatsoever.

Manslaughter
punished by
fine or impris-
onment.

VI. That no punishment or forfeiture shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without felony.

Accidental
homicide not
punishable.

VII. Repealed by 4 Vic. ch. 29.

VIII. That if any woman shall be delivered of a child, and shall by secret burying or otherwise disposing of the dead body of the said child, endeavour to conceal the birth thereof, every such offender shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned with or without hard labour, in the common gaol or house of correction for any term not exceeding two years; and it shall not be necessary to prove whether the child died before, at, or after its birth: Provided always, that if any woman tried for the murder of her child shall be acquitted thereof, it shall be lawful for the jury by whose verdict she shall be acquitted, to find, in case it shall so appear in evidence, that she was delivered of a child, and that she did by secret burying or otherwise disposing of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

Women secretly
burying or dis-
posing of the
dead body of a
child, how
punished.

IX. That if any person being married in these islands or elsewhere, shall marry any other person during the life of the former husband or wife, every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding two years: Provided always, that nothing herein contained shall extend to any person marrying a

Punishment of
Bigamy.

Proviso.

No. 1.
Act 4 W 4,
c. 6.

Punishment
for Common
Assaults and
Batteries.

Justices may
commit per-
sons for non-
payment of
fines and costs.

Assault and
Battery, when
accompanied
by any attempt
to commit Fel-
ony, how dealt
with.
Proviso.

second time, whose husband or wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who at the time of such second marriage, shall have been divorced from the bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

X. And whereas, it is expedient that a summary power of punishing persons for common assaults and batteries, should be provided under the limitations hereinafter mentioned; Be it, &c., that where any person shall unlawfully assault or beat any other person, it shall be lawful for two Justices of the Peace upon complaint of the party aggrieved, to hear and determine such offence, and the offender upon conviction thereof before them, shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered) the sum of five pounds,* which fine shall be paid to the Receiver General and Treasurer, in aid of the expenses of this Government, and if such fine as shall be awarded by the said Justices, together with the costs, (if ordered) shall not be paid either immediately after the conviction or within such period as the said Justices shall at the time of the conviction appoint, it shall be lawful for them to commit the offender to the common gaol, workhouse, or house of correction, there to be imprisoned, for any term not exceeding two calendar months, unless such fine and costs be sooner paid; but if the Justices upon the hearing of any such case of assault and battery, shall deem the offence not to be proved, or shall find the assault or battery to have been justified, or so trifling as not to merit any punishment, and shall accordingly dismiss the complaint, they shall forthwith make out a certificate under their hands, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

XI. That if any person against whom any such complaint shall have been preferred for any common assault or battery, shall have obtained such certificate as aforesaid, or having been convicted shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the imprisonment awarded for non-payment thereof, in every such case he shall be released from all further or other proceedings, civil or criminal for the same cause.

XII. That in case the Justices shall find the assault or battery complained of, to have been accompanied by any attempt to commit felony, or shall be of opinion that the same is, from any circumstance, a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as they would have done before the passing of this Act: Provided also, That nothing herein contained shall authorize any Justices of the Peace to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein, or accruing therefrom, or as to any insol-

* All sums by this Act are stated at the old rate of Bahama currency.—See Note, *ante*, p. 41.

veny or any execution under the process of any Court of Justice.

XIII. That every accessory, before the fact, to any felony punishable under this Act, for whom no punishment has been hereinbefore provided, shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding three years; and every accessory after the fact to any felony punishable under this Act (except murder), shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction for any term not exceeding two years; and every person who shall counsel, aid, or abet the commission of any misdemeanour punishable under this Act, shall be liable to be proceeded against and punished as a principal offender.

XIV. And for the more effectual prosecution of offences punishable upon summary conviction, by virtue of this Act; Be it, &c., That where any person shall be charged, on the oath of a credible witness, before any Justice of the Peace, with any such offence, the Justice may summon the person charged to appear before any two Justices of the Peace, at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him) the Justices may either proceed to hear and determine the case, *ex parte*, or may issue their warrant for apprehending such person and bringing him before them; or the Justice before whom the charge shall be made, may (if he shall so think fit) issue such warrant, in the first instance, without any previous summons.

XV. That the prosecution, for every offence punishable on summary conviction by virtue of this Act, shall be commenced within three calendar months after the commission of the offence, and not otherwise.

XVI. That no such conviction shall be quashed for want of form, or be removed by *certiorari*, or otherwise, into any of His Majesty's Superior Courts of Record, and no warrant of commitment shall be held void, by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

XVII. That nothing in this Act contained shall affect or alter any Act, so far as it relates to the crime of high treason, or to any branch of the public revenue.

XVIII. That from and after the passing of this Act, every person convicted of the abominable crime of buggery, committed either with mankind, or with any animal, shall suffer death as a felon without benefit of clergy.*

XIX. That from and after the passing of this Act, every person convicted of the crime of rape, shall suffer death as a felon, without benefit of clergy.†

XX. That from and after the passing of this Act, if any person shall unlawfully and carnally know and abuse any girl under the age of ten years, every such offender shall be guilty of felony, and

* The penalty of death for this offence is abolished by 11 Vic. c. 11, *post*, No. 7, of this class.

† The penalty of death for these offences is abolished by 6 Vic. c. 5, *post*, No. 5, of this class.

No. 1.
Act 4 W. 4,
c. 6.

Accessaries
before the fact
to any Felony,
how dealt with.

Accessaries
after the fact
to any Felony,
how dealt with.

Prosecution of
offences
punishable upon
summary con-
viction.

Within what
time summary
prosecutions
shall be com-
menced.

No conviction
shall be quashed
for want of
form.

High Treason
not affected.

Punishment of
Buggery.

Punishment of
Rape.

Punishment
for the carnal
abuse of a girl
under ten
years.

No. 1.
Act 4 W. 4,
c. 6.

Above the age
of ten, and un-
der the age of
twelve years.

Proof required
to convict of
Buggery, Rape,
&c.

As to offences
committed
within the ju-
risdiction of
the Admiralty
of England.

being convicted thereof, shall suffer death as a felon, without benefit of clergy; and if any person shall unlawfully and carnally know and abuse any girl being above the age of ten years, and under the age of twelve years, every such offender shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be punished by fine or imprisonment, or both, at the discretion of the Court, and by being publicly or privately whipped, once or oftener, but not more than twice, if the Court shall also so think fit to adjudge.

XXI. And whereas, upon the trials for the crimes of buggery and of rape, and of carnally abusing girls under the respective ages, hereinbefore mentioned, offenders frequently escape by reason of the difficulty of the proof which has been required of the completion of those several crimes, for remedy thereof; Be it, &c., That it shall not be necessary, in any of those cases, to prove the actual emission of seed, in order to constitute a carnal knowledge, but that the carnal knowledge shall be deemed complete upon proof of penetration only.

XXII. That all offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty of England, shall be deemed to be offences of the same nature and liable to the same punishments, as if they had been committed upon the land, in the said islands, and may be dealt with, inquired of, tried, and determined in the same manner as other offences committed within the jurisdiction of the Admiralty of England, may be inquired of, heard, tried, determined and judged within these islands.

XXIII. Suspends 5 George 4, ch. 2.

XXIV. Suspends so much of 40 Geo. 3, ch. 2, as declares the following Acts of Parliament to be in force in the Colony, viz.: 25 Henry 8, ch. 16; 4 & 5 Philip and Mary, ch. 4; 18 Elizabeth, ch. 7 (in part); and 22 & 23 Charles 2, ch. 1.

XXV. Suspends 48 Geo. 3, ch. 10 (in part).

No. 2.
Act 5 W. 4,
c. 10.

Felony to set
fire to Woods
or Plantations
of Trees.

Felony to de-
molish or pull
down any
Church or
Chapel, &c.

No. 2.—5 Wm. 4, ch. 10. *An Act for the more effectual Punishment of Persons committing Malicious Injuries to Property.* (October 6th, 1834.)

I. & II. Repealed by 4 Vic. ch. 25.

III. That if any person shall unlawfully and maliciously set fire to any standing woods on these islands, or to any plantation of trees, or to any stacks of wood, timber, or lumber, or to any crops on plantations, whether standing or cut down, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

IV. That if any persons riotously and tumultuously assembled together, to the disturbance of the public peace, shall unlawfully and with force, demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any church or chapel, or any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or any dwelling-house, warehouse,

office, or shop, every such offender shall be guilty of felony, and being convicted thereof, shall suffer death.*

V. That if any persons riotously and tumultuously assembled, as aforesaid, shall unlawfully and with force, demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any stable, coachhouse, outhouse, barn, or granary, or any building or erection used in carrying on any trade or manufacture, or any branch thereof, or any machinery, whether fixed or movable, prepared for, or employed in any manufacture, or in any branch thereof, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, and if a male, to be once, twice or thrice, publicly or privately whipped, in addition thereto, at the discretion of the Court

VI. That if any person shall unlawfully and maliciously damage, otherwise than by fire, any ship or vessel, whether complete or unfinished, with intent to destroy the same, or to render the same useless, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years, and if a male, to be once, twice, or thrice publicly or privately whipped, in addition thereto, at the discretion of the Court.

VII. That if any person shall unlawfully and maliciously cut, break, or destroy, or damage with intent to destroy or to render useless, any machine or engine, whether fixed or movable, prepared for, or employed in, any manufacture whatsoever, or any fire-engine, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to the punishments hereinbefore last mentioned.

VIII. Repealed by 4 Vic. ch. 25.

IX. That if any person shall unlawfully, maliciously, or wantonly, destroy any part of any ship or vessel, which shall be in distress, or wrecked, stranded, or cast ashore, or any goods, merchandize, or articles of any kind, belonging to such ship or vessel, every such offender shall be guilty of felony, and being convicted thereof, shall be subject to imprisonment, for any term not exceeding two years, and in addition thereto, if a male, may be once, twice, or thrice publicly or privately whipped at the discretion of the Court.

X. That if any person shall unlawfully and maliciously kill, maim, or wound, any horse, mare, foal, mule, ass, or neat cattle, or sheep, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to the punishments hereinbefore last mentioned.

XI. That if any person shall unlawfully and maliciously cut, break, bark, root up, or otherwise destroy or damage, the whole or any part of any tree, sapling, or shrub respectively, growing in any pleasure ground, garden, orchard, plantation, or avenue, or in any ground adjoining or belonging to any dwelling-house, every such offender (in case the amount of injury done shall exceed the sum of two pounds,† Bahama currency), shall be guilty of felony, and

No. 2.
Act 5 W. 4,
c. 10.

Felony to
destroy any
Coach-house,
Out-house, &c.,
or machinery.

Felony to
destroy any
vessel.

Felony to
destroy any
machine, or
fire engine.

Felony to de-
stroy any part
of any vessel,
or any goods
thereunto be-
longing.

Felony to kill
or maim any
horse or cattle.

Felony to de-
stroy any tree
or shrub.

* The penalty of death for the offences mentioned in this section is abolished by 6 Vic. c. 5, sec. 2.

† All sums in this Act are at the old rate of Bahama currency. See Note ante, page 41.

No. 2.
Act 5 W. 4,
c. 10.

Punishment for
destroying any
fence, wall,
stile, or gate.

being convicted thereof, shall be liable to be imprisoned for any term not exceeding six months.

XII. That if any person shall unlawfully and maliciously cut, break, throw down, or in any wise destroy any fence of any description whatsoever, or any wall, stile, or gate, or any part thereof respectively, every such offender being convicted before any Justice of the Peace, shall, for the first offence, forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding ten pounds,* Bahama currency, as to the Justice shall seem meet; and if any person so convicted shall afterwards be guilty of the same offences, and shall be convicted thereof, in like manner, every such offender shall be committed to the common gaol or workhouse, there to be kept to hard labour for such term, not exceeding six calendar months, as the convicting Justice shall think fit, and if such subsequent conviction shall take place before two Justices, they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Punishment for
committing
damage to real
or personal
property.

XIII. That if any person shall wilfully and maliciously commit any damage, injury, or spoil, to or upon any real or personal property whatsoever, either of a public or private nature, for which no remedy or punishment is hereinbefore provided, every such person, being convicted thereof before a Justice of the Peace, shall forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage, injury, or spoil, so committed, not exceeding the sum of ten pounds,* Bahama currency, which sum of money shall, in the case of private property, be paid to the party aggrieved, except where such party shall have been examined in proof of the offence, and in such case, or in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in such manner as every penalty imposed by a Justice of the Peace, under this Act, is hereinafter directed to be applied; and if such sum of money, together with costs (if ordered), shall not be paid, either immediately after the conviction, or within such period as the Justice at the time of the conviction shall appoint, the Justice may commit the offender to the common gaol or workhouse, there to be imprisoned, with or without hard labour, for any term not exceeding two calendar months, unless such sum and costs be sooner paid: Provided always, that nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of.

Proviso.

Punishments
and forfeitures
imposed by
this Act to be
enforced.

XIV. That every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment, or upon summary conviction, shall equally apply and be enforced, whether the offence shall be committed from malice conceived against the owner of the property, in respect of which it shall be committed, or otherwise.

Punishment of
accessaries be-
fore the fact.

After the fact.

XV. That in case of every felony, punishable under this Act, every principal in the second degree, and every accessary before the fact, shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punish-

* All sums in this Act are at the old rate of Bahama currency. See Note ante, page 41.

able; and every accessory after the fact, to any felony punishable under this Act, shall, on conviction, be liable to be imprisoned for any term not exceeding two years: and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this Act, shall be liable to be indicted and punished as a principal offender.

No. 2.
Act 5 W. 4,
c. 10.

XVI. That when any person shall be convicted of any indictable offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or the workhouse, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour as to the Court in its discretion shall seem meet.

Persons convicted under this Act, how dealt with.

XVII. That for the more effectual apprehension of all offenders against this Act, any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended without a warrant, by any peace officer or the owner of the property injured or his servant, or any person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to law.

Offenders may be apprehended without a warrant.

XVIII. That the prosecution for every offence punishable on summary conviction under this Act, shall be commenced within three calendar months after the commission of the offence, and not otherwise, and the evidence of the party aggrieved shall be admitted in proof of the offence.

Prosecution to be commenced within three months.

XIX. And for the more effectual prosecution of all offences punishable on summary conviction under this Act; Be it, &c., That where any person shall be charged, on the oath of a credible witness, before any Justice of the Peace, with any such offence, the Justice may summon the person charged to appear at a time and place to be named in such summons, and if he shall not appear accordingly, then (upon proof of the due service of the summons upon such person, by delivering the same to him personally, or by leaving it at his usual place of abode,) the Justice may either proceed to hear and determine the case, *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself or some other Justice of the Peace, or the Justice before whom the charge shall be made, may, if he shall so think fit, without any previous summons (unless where otherwise specially directed), issue such warrant: and the Justice, before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

Duty of Justices in summary trials.

XX. That when any offence is by this Act punishable, on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, any person who shall aid, abet, counsel, or procure the commission of such offence, shall on conviction before a Justice of the Peace, be liable for every first, second, or subsequent offence, of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence, as a principal offender, is by this Act made liable.

Punishment of aiders and abettors.

XXI. That all forfeitures upon summary convictions under this Act shall be applied, in the first instance, to the compensation of

Forfeitures on summary con-

No. 2.
Act 5 W. 4,
c. 10.

victions, how
applied.

Proviso.

How Justices
are to proceed
in default of
payment.

the parties aggrieved, for the injury done (the amount of such compensation to be assessed in each case by the convicting Justice), except where such party shall have been examined in proof of the offence, and in that case or when the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty, and every sum which shall be imposed as a penalty by any Justice of the Peace, whether in addition to such amount of compensation, or otherwise, shall be paid to the Receiver General and Treasurer of this Colony, to be applied in aid of defraying the expenses of this Government: Provided, That when several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the amount of the injury done, in every such case, no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only, and the remaining sum or sums forfeited by the other offenders, shall be paid to the Receiver General, as aforesaid, to be applied as aforesaid.

XXII. That in every case of a summary conviction under this Act, where the sum which shall be forfeited for the amount of the injury done, or which shall be imposed as a penalty by the Justice, shall not be paid either immediately after conviction, or within such period as the Justice shall at the time of conviction appoint, it shall be lawful for the convicting Justice (unless where otherwise specially directed) to commit the offender to the common gaol or workhouse, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice, for any term not exceeding two calendar months, where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed ten pounds Bahama currency, and for any term not exceeding four calendar months, where the amount with costs shall not exceed twenty pounds, Bahama currency, and for any term not exceeding six calendar months in any other case, the commitment to be determined in each of the cases aforesaid, upon payment of the amount and costs.

XXIII. That when any person shall be summarily convicted before a Justice of the Peace, of any offence against this Act, and it shall be a first conviction, it shall be lawful for the Justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the Justice.

King may extend his Royal mercy.

XXIV. That it shall be lawful for the King's Majesty to extend his royal mercy to any person imprisoned by virtue of this Act, although he shall be imprisoned for non-payment of money to some party other than the Crown.

Offenders released from further proceedings for the same cause.

XXV. That in case any person, convicted of any offence punishable upon summary conviction by virtue of this Act, shall have paid the sum adjudged to be paid, together with the costs, under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction, in manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

No. 2.
Act 5 W. 4,
c. 10.

Form of con-
viction.

XXVI. That the Justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words, to the same effect, as the case shall require, *videlicet*: "Be it remembered, that on the day of at one of the Turks and Caicos Islands, A. O. is convicted before me, J. P., one of His Majesty's Justices of the Peace, for the said islands, for that he the said A. O., did (*specify the offence, and the time and place when and where the same was committed, as the case may be, and on a second conviction, state the first conviction,*) and I, the said J. P., adjudged the said A. O., for his said offence, to be imprisoned in the (or to be imprisoned in the and there kept to hard labour for the space of ;) or, I adjudge the said A. O., for his said offence, to forfeit and pay (*here state the penalty actually imposed, or state the penalty and also the amount of the injury done, as the case may be,*) and also to pay the sum of for costs; and in default of immediate payment of the said sums, to be imprisoned in the (or to be imprisoned in the and there kept to hard labour, for the space of unless the said sum shall be sooner paid,) (or, I order that the said sum shall be paid by the said A. O., on or before the day of ,) and I direct that the said sum of (*that is the penalty only,*) shall be paid to the Receiver General and Treasurer, to be applied as aforesaid, and that the said sum of (*that is the sum for the amount of the injury done,*) shall be paid to C. D., (*the party aggrieved, unless he is unknown, or has been examined in proof of the offence, in which case state that fact, and dispose of the whole, like the penalty as before,*) and I order that the sum of for costs, shall be paid to (*the complainant*).

Given under my hand and seal, the day and year first above mentioned.

XXVII. That in all cases where the sum adjudged to be paid, on any summary conviction, shall exceed ten pounds, or the imprisonment adjudged shall exceed one calendar month, or the conviction shall take place before one Justice only, any person, who shall think himself aggrieved by such conviction, may appeal to the next Supreme Court, which shall be holden thereafter, provided a notice in writing of such appeal, and of the cause and matter thereof, be given to the complainant within ten days after such conviction, by such person, who shall also either remain in custody, for the time during which he has been sentenced to be imprisoned, or until the next session of the Court; or he shall enter into a recognizance with two sufficient securities, before a Justice of the Peace, conditioned personally to appear at the said Court, and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded, and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into, shall liberate such person, if in custody, and the Court shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as

When persons
may appeal to
the Supreme
Court.

No. 2.
Act 5 W. 4,
c. 10.

No conviction
made on appeal
to be quashed for
want of form.
Conviction to
be transmitted
to Clerk of the
Crown.

When actions
are to be com-
menced.

shall be awarded, and shall, if necessary, issue process for enforcing such judgment.

XXVIII. That no such conviction or adjudication made on appeal therefrom shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, provided it being therein alleged that the party has been convicted, and there be good and valid conviction to sustain the same.

XXIX. That every Justice of the Peace, before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the Clerk of the Crown, to be kept by him among the records of the said Court, and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the said Clerk of the Crown, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

XXX. And for the protection of persons acting in execution of this Act, Be it, &c., That all actions and prosecutions against any person for anything done in pursuance of this Act, shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action, and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and no plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by, or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, and have the like remedy for the same as any defendant hath by law in other cases, and though a verdict shall be given for the plaintiff, in any such action such plaintiff shall not have costs unless the Judge before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

XXXI. That when any felony or misdemeanour, punishable under this Act shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried and determined, in the same manner, as any other felony or misdemeanour committed within that jurisdiction.

XXXII. Suspends 3 Geo. 2, ch. 1; 3 Geo. 2, ch. 3; so much of 15 Geo. 2, ch. 1, as relates to persons killing, destroying, wounding, or damaging horses, mares, neat cattle or sheep. Also so much of 40 Geo. 3, ch. 2, as declares the following Acts of Parliament in force, *viz.* 37 Henry 8, ch. 6; 22 and 23 Char. 2, ch. 7; and 4 Geo. 1, ch. 12.

No. 3.—4 Vic. ch. 25. *An Act to amend 5 Wm. 4, ch. 10.*
(25th February, 1841.)

No. 3.
Act 4 Vic.
c. 25.

PREAMBLE.

WHEREAS, it is expedient to amend so much of an Act passed in the fifth year of the reign of King William the Fourth, entitled "An Act for the more effectual Punishment of Persons committing Malicious Injuries to Property," so far as relates to any person who shall unlawfully and maliciously set fire to any of the buildings, or erections therein mentioned; and so much of the same Act as relates to any person who shall unlawfully and maliciously set fire to, or in anywise destroy any ship or vessel, whether the same be complete or in an unfinished state; or who shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that hath underwritten, or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same; and so much of the same Act as relates to any person who shall exhibit any false light or signal, with intent to bring any ship or vessel into danger, or who shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship or vessel in distress, or destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, or who shall by force prevent or impede any person endeavouring to save his life from such ship or vessel (whether he shall be on board or shall have quitted the same): and so much of the same Act as relates to the punishment of principals in the second degree, and accessaries before and after the fact, respectively, to such of the felonies punishable under such Act as are hereinbefore referred to; May it, &c., That so much of the said Act as is hereinbefore referred to, shall continue in force until and throughout the twenty-eighth day of February, in the present year of our Lord, One thousand eight hundred and forty-one, and shall from and after that day be repealed, except as to offences committed before or upon the said twenty-eighth day of February, which shall be dealt with and punished, as if this Act had not been passed.

So much of an Act of 5 W. 4, as is recited, repealed after the 28th Feb., 1841.

II. That whosoever shall unlawfully and maliciously set fire to any dwelling-house, any person being therein, shall be guilty of felony, and being convicted thereof shall suffer death.

Penalty for setting fire to an inhabited house.
Penalty for setting fire to other buildings.

III. That whosoever shall unlawfully and maliciously set fire to any church or chapel, or to any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set fire to any house, stable, coachhouse, outhouse, warehouse, office, shop, mill, malthouse, hophouse, barn, or granary, or to any building or erection used in carrying on any trade, or manufacture, or any branch thereof, whether the same or any of them respectively shall then be in possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of felony, and being convicted thereof shall be liable to be imprisoned for any term not exceeding four years.

IV. That whosoever shall unlawfully and maliciously set fire to,

No. 3.
Act 4 Vic.
c. 25.

cast away, or in anywise destroy any ship or vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony, and being convicted thereof, shall suffer death.

Sections V., VI., VII., and VIII. repealed by Ord. No. 6 of 1860.

Penalties on
accessaries.

IX. That in the case of every felony punishable under this Act, every principal in the second degree, and every accessary before the fact shall be punishable with death or otherwise, in the same manner as the principal in the first degree is by this Act punishable, and every accessary after the fact to any felony punishable under this Act, shall on conviction, be liable to be imprisoned for any term not exceeding two years.

Discretion of
the Court.

X. That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or imprisoned and kept to hard labour, within or without the walls of any lawful place of confinement, within these islands; and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

XI. That when any felony punishable under this Act shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried, and determined, as any other felony or misdemeanour committed within that jurisdiction.

XII. Act to commence on the first of March, 1841.

No. 4.
Act 4 Vic.
c. 29.

No. 4.—4 Vic. ch. 29. *An Act to amend 4 William 4, ch. 6.*
(25th February, 1841.)

PREAMBLE.

WHEREAS, it is expedient to amend so much of an Act passed in the fourth year of the reign of King William the Fourth, entitled, "An Act relative to Offences against the Person," as relates to any person who shall unlawfully and maliciously administer, or attempt to administer to any person, or who shall cause to be taken by any person, any poison or other destructive thing, or who shall unlawfully and maliciously attempt to drown, suffocate or strangle any person, or who shall counsel, aid or abet therein, and so much of the same Act as relates to any person who shall unlawfully and maliciously shoot at any person, or who shall, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or who shall unlawfully and maliciously stab, cut, or wound any person, or who shall unlawfully and maliciously throw, or cast at or upon, or otherwise apply to any person, any corrosive or noxious liquid or substance, with any of the intents in the same Act mentioned, or who shall counsel, aid, or abet therein, and so much of the same Act as relates to any person who shall use any of the ways or means therein mentioned, with intent to procure the miscarriage of any women, or who shall counsel, aid, or abet therein, and so much of the same Act, as relates to the punishment

of accessaries after the fact, to such of the felonies punishable under the said Act, as is hereinbefore referred to; May it, &c., That so much of the said Act as is hereinbefore referred to, shall continue in force until and throughout the twenty-eighth day of February, in the present year of our Lord One thousand eight hundred and forty-one, and shall, from and after that day, be repealed, except as to offences committed before or upon the said twenty-eighth day of February, which shall be dealt with and punished, as if this Act had not been passed.

II. That whosoever shall administer to, or cause to be taken by, any person, any poison or other destructive thing, or shall stab, cut, or wound any person, or shall by any means whatsoever, cause to any person any bodily injury, dangerous to life, with intent in any of the cases aforesaid, to commit murder, shall be guilty of felony, and being convicted thereof, shall suffer death.

III. That whosoever shall attempt to administer to any person, any poison or other destructive thing, or shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate, or strangle any person, with intent in any of the cases aforesaid, to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

IV. That whosoever unlawfully and maliciously shall shoot at any person, or shall by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall stab, cut, or wound any person, with intent in any of the cases aforesaid to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

V. That whosoever shall unlawfully and maliciously send or deliver, or cause to be taken or received by any person, any explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to any person any corrosive fluid, or other destructive matter, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burnt, maimed, disfigured, or disabled, or receive some other grievous bodily harm, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

VI. That whosoever, with intent to procure the miscarriage of any woman, shall unlawfully administer to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

VII. That in case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death, or otherwise, in the same manner as the principal in the first degree, is by this Act punishable, and every accessory after the fact, to any felony punishable

No. 4.
Act 4 Vic.
c. 29.

Certain Acts of
Parliament re-
ferred to, sus-
pended.

Death the pe-
nalty for doing
any bodily
injury, with in-
tent to murder.

Penalty for
administering
Poison, &c.,
with intent to
murder.

Penalty for
shooting at
any person,
with intent to
disfigure.

Penalty for
sending or
delivering any
explosive sub-
stance.

Penalty for
administering
Poison, &c.,
with intent to
procure mis-
carriage.

Principals and
accessaries, how
punished.

P

No. 4.
Act 4 Vic.
c. 29.

Solitary confinement and hard labour may be added to imprisonment.

How Felonies may be tried in the Court of Admiralty Sessions.

under this Act, shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

VIII. That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour within or without the walls of any lawful place of confinement, within these islands, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment, with hard labour, not exceeding one month, at any one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet; And be it, &c., That where any felony, punishable under this Act, shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried and determined, as any other felony or misdemeanour committed within that jurisdiction.

IX. Repealed by Ord. 13, 1852, sec. 40.

X. Act to commence on the first day of March, 1841.

No. 5.
Act 6 Vic.
c. 5.

PREAMBLE.
4 W. 4, c. 6.
Abolishes the punishment of death imposed by 4 W. 4, c. 6, on persons convicted of Rape or carnal abuse of a girl under ten years, and substitutes in lieu imprisonment for any term not exceeding five years.

Abolishes the punishment of death imposed by 4 W. 4, c. 6, on persons convicted of demolishing or pulling down a Church, Chapel, &c., and substitutes in lieu imprisonment for any term not exceeding five years.

No. 5.—6 Vic. ch. 5. *An Act for taking away the Punishment of Death in certain cases, and substituting other Punishments in lieu thereof.* (14th February, 1843.)

WHEREAS, by an Act of the General Assembly of these islands, passed in the fourth year of the reign of King William the Fourth, entitled, "An Act relative to Offences against the Person," it was amongst other things enacted, that every person convicted of the crime of rape, should suffer death as a felon, and if any person should unlawfully and carnally know and abuse any girl under the age of ten years, every such offender should be guilty of felony, and suffer death as a felon; And whereas, it is expedient that the said offences should no longer be punishable with death; May it, &c., That from and after the passing of this Act, if any person shall be convicted of either of the said offences, such person shall not be subject to any sentence or punishment of death, but shall instead of the sentence or judgment, in and by the said Act hereinbefore recited, order to be given or awarded against persons convicted of the said offences, or either of them respectively, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding five years.

II. And whereas, by an Act of the said General Assembly, passed in the fifth year of the reign of King William the Fourth, entitled, "An Act for the more effectual Punishment of Persons committing Malicious Injuries to Property," it was, amongst other things enacted, that if any person riotously and tumultuously assembled together to the disturbance of the public peace, should unlawfully and with force demolish, pull down, or destroy, or begin to demolish, pull down, or destroy, any church or chapel, or any chapel for the religious worship of persons dissenting from the United Church of England and Ireland, or of any dwelling-house, warehouse, office, or shop, every such offender shall be guilty of felony, and being convicted thereof, should suffer death. And

whereas, it is expedient that the said last-mentioned offences should be no longer punishable with death; Be it, &c., That from and after the passing of this Act, if any person shall be convicted of any of the said offences hereinbefore last specified, whether as principal or as principal in the second degree, or as accessary before the fact, such person shall not be subject to any sentence, judgment or punishment of death, but shall instead of the sentence or judgment in and by the said Act hereinbefore last recited, ordered to be given or awarded against persons convicted of the said last-mentioned offences, or any or either of them, respectively, be liable at the discretion of the Court, to be imprisoned for any term not exceeding three years.

III. That in awarding the punishment of imprisonment for any offence punishable under this Act, it shall be lawful for the Court to direct such punishment to be with or without hard labour, such hard labour to be within or without the walls of the common gaol, or house of correction, or any other lawful place of confinement within these islands, and also to direct that the offender shall be kept in solitary confinement, for any portion or portions of such imprisonment, whether the same be with or without hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court in its discretion shall seem meet.

No. 5.
Act 6 Vic.
c. 5.

Imprisonment may be with or without hard labour, at the discretion of the Court.

No. 6.—10 Vic. ch. 9. *An Act for preventing Malicious Injuries to Persons and Property by Fire or by Explosive or Destructive Substances.* (26th February, 1847.)

No. 6.
Act 10 Vic.
c. 9.

WHEREAS, the unlawful and malicious destruction of buildings, and attempts to injure persons and property by fire or gunpowder, and other explosive or destructive substances, is not adequately punishable by law; May it, &c., That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy, throw down, or damage the whole or any part of any dwelling-house, any person being therein, shall be guilty of felony.

II. That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy or damage any building with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony.

III. That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim, disfigure, disable, or do any grievous bodily harm to any person, shall be guilty of felony.

IV. That whoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to, or cause to be taken or received by any person any explosive substance or any other dangerous or noxious thing, or cast or throw at or upon or otherwise apply to any person any corrosive fluid or other destructive or explosive substance with intent in any of the cases aforesaid, to burn, maim, disfigure, or disable any person or to do some grievous bodily harm to any

PREAMBLE.

Maliciously destroying premises by gunpowder, &c., Felony.

Felony to damage any building by the explosion of gunpowder, &c., with intent to murder.
Felony to maliciously maim any person by the explosion of gunpowder.
Felony to endeavour to injure or disfigure any person by corrosive or explosive substance.

No. 6.
Act 10 Vic.
c. 9.

Penalty on persons throwing fire, &c., against a building with an evil intent.

Felony maliciously to attempt to set fire to any building, vessel, or vegetable produce.

Penalty on persons having in their possession gunpowder, &c., for the purpose of committing an offence against this Act.

Male persons under eighteen years of age offending liable to be publicly whipped.

Punishment of accessaries.

Punishment.

person, shall, although no bodily injury be effected, be guilty of felony.

V. That whoever shall be convicted of any felony hereinbefore mentioned shall be liable at the discretion of the Court to be imprisoned for any term not exceeding three years.

VI. That whoever shall unlawfully and maliciously place or throw in, into, upon, against or near any building or vessel any gunpowder or other explosive substance with intent to do any bodily damage, to any person, or to destroy or damage any building or vessel or any machinery, working tools, fixtures, goods, or chattels, shall, whether or not any explosion take place, and whether or not any injury is effected to any person, or any damage to any buildings, vessel, machinery, working tools, fixtures, goods, or chattels, be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court, to be imprisoned for any term not exceeding two years.

VII. That whoever shall unlawfully and maliciously by any overt act attempt to set fire to any building, vessel, or to any vegetable produce, of such kind, and with such intent, that if the offence were complete the offender would be guilty of felony, shall although such building, vessel, or vegetable produce be not actually set on fire, be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court, to be imprisoned for any term not exceeding two years.

VIII. That whoever shall knowingly have in his possession, or make or manufacture any gunpowder, explosive substance, or any dangerous or noxious thing or any machine, engine, instrument, or thing, with intent, by means thereof, to commit, or for the purpose of enabling any other person to commit, any offence against this Act, shall be guilty of a misdemeanour, and on conviction thereof, shall be liable to be imprisoned for any term not exceeding two years.

IX. That every male person under the age of eighteen years, who shall be convicted of any offence under this Act, or who shall be convicted of feloniously setting fire to any building or vessel, shall be liable at the discretion of the Court before which he shall be convicted, in addition to any other sentence which may be passed upon him, to be publicly or privately whipped, in such manner, and as often, not exceeding thrice, as the Court shall direct.

X. That in the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

XI. That where any person shall be convicted of any offence punishable under this Act, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one calendar month at any one time, and not exceeding three calendar months in any one year as to the Court, in its discretion, shall seem meet.

XII. That any Justice of the Peace for these islands, or for any district thereof, upon reasonable cause assigned, upon oath, by any person or persons, may issue a warrant or warrants under his hand and seal for searching, in the daytime, any house, shop, cellar, yard, or other place, or any vessel in which gunpowder or other explosive, dangerous, or noxious substance is suspected to be made or kept for the purpose of being used, in committing an offence under this Act; and every person acting in the execution of any such warrant, shall have full power and authority to remove all such gunpowder or other explosive, dangerous, or noxious substance which may be found on such search, and which he shall have good cause to suspect to be intended to be used in committing an offence under this Act, together with the packages in which the same may be, to a place of safety, and there to detain the same until the disposal thereof shall be ordered and directed by the Court before whom any person or persons may be tried for an offence under the eighth section of this Act for having the same in his or her possession, and if such person or persons shall be convicted of such offence, it shall be lawful for the Court to adjudge such gunpowder, or other explosive, dangerous, or noxious substance, to be forfeited, and in its discretion to order the same to be sold or destroyed.

No. 6.
Act 10 Vic.
c. 9.

Power of Jus-
tices of the
Peace.

XIII. That it shall be lawful for any constable or peace officer to take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard, or other place, during the night, and whom he shall have good cause to suspect of having committed, or being about to commit any felony under this Act, and to detain such person until he can be brought before a Justice of the Peace, to be dealt with according to law.

Power of Con-
stables.

XIV. That no such person having been so apprehended shall be detained after noon of the following day without being brought before a Justice of the Peace.

Term of deten-
tion limited.

XV. That where any felony punishable under this Act, shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried, and determined, in the same manner as any other felony committed within that jurisdiction.

Punishment of
felonies com-
mitted within
Admiralty ju-
risdiction.

No. 7.—11 Vic. ch. 11. *An Act for the more efficient Punishment of certain Offences therein mentioned.* (22nd March, 1848.)

No. 7.
Act 11 Vic.
c. 11.

WHEREAS, in and by the eighteenth section of the Act of Assembly passed in the fourth year of the reign of His late Majesty King William the Fourth, entitled "An Act relative to Offences against the Person," it is enacted, that persons convicted of the abominable crime therein mentioned should suffer death, without benefit of clergy. And whereas, it is expedient that the said offence should no longer be punishable with death; May it, &c., that from and after the passing of this Act, any person who shall be convicted of the abominable crime, in the said eighteenth section of the said recited Act of Assembly particularly mentioned and designated, shall, instead of having sentence of death passed on or recorded against him, be sentenced by the Court before which he shall be so convicted, to be once, twice, or thrice, pub-

PREAMBLE,
reciting part
of 4 W. 4, c. 6.

Whipping and
imprisonment
substituted in
lieu of the
punishment of
death in cases
of Sodomy.

No. 7.
Act 11 Vic.
c. 11.

Certain provisions of Act of Assembly, 2 Vic. c. 5, extended to the offence of sending certain threatening letters.

Penalty on falsely accusing persons of certain crimes for the purpose of extorting money.

Penalty for Assaults with intent to commit Sodomy.

Offenders on conviction may, in discretion of the Court, be kept in solitary confinement.

licly or privately whipped, and in addition to such corporal punishment, to suffer and undergo such imprisonment, with or without hard labour, for any term not exceeding four years, as the Court may in its discretion think fit to impose.

II. And whereas, it is expedient to extend the provisions of so much of the Act of Assembly made and passed in the second year of Her present Majesty's reign, entitled "An Act for consolidating and amending the Laws relative to Larceny, and other Offences connected therewith, as relates to the offences of sending threatening letters, and to make other provision for the punishment of such offences." Be it enacted that if any person shall knowingly send, or deliver, or utter, to any other person, any letter or writing accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered, or any other person, of any crime punishable by law with death, or of rape, or of any assault with intent to commit rape, or of any attempt or endeavour to commit any rape, or of any crime in and by the said last-mentioned Act defined to be an infamous crime, with a view or intent to extort or gain, by means of such threatening letter or writing, any property, money, security, or other valuable thing, from any person whatever, or any letter or writing threatening to kill or murder any other person, or to burn or destroy any house, barn, or other building, or any agricultural produce, or shall knowingly procure, counsel, aid, or abet the commission of the said offences, or either of them, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding two years, and if a male, to be once, twice, or thrice, publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

III. That if any person shall accuse, or threaten to accuse, either the person to whom such accusation or threat shall be made, or any other person, of any of the crimes hereinbefore specified or mentioned, with a view or intent in any of the cases last aforesaid, to extort or gain from such person so accused or threatened to be accused, or from any other person whatever, any property, money, security, or other valuable thing, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding two years, and if a male, to be once, twice, or thrice, publicly or privately whipped (if the Court shall so think fit) in addition to such imprisonment.

IV. That any person who shall assault any other person, with intent to commit and perpetrate the crime in the first section of this Act mentioned and referred to, being convicted thereof, shall be liable, in the discretion of the Court, to be imprisoned for any term not exceeding two years, and in addition thereto, to be once, twice, or thrice, publicly or privately whipped, if the Court shall so think fit.

V. That it shall be lawful for the Court, in every case of conviction under this Act, to direct that the offender shall be kept in solitary confinement, for any portion or portions of the imprisonment, awarded against such offender, not exceeding one month at any one time, and not exceeding three months in any one year.

CLASS IV.

LARCENY.

No. 1.—2 Vic. ch. 5. *An Act for consolidating and amending the Laws relative to Larceny and other Offences connected therewith.*
(Assented to 10th December, 1838.)

No. 1.
Act 2 Vic.
c. 5.

I. That this Act shall commence on the tenth day of December, in the present year of our Lord, One thousand eight hundred and thirty-eight.

Commence-
ment of this
Act.

II. That the distinction between grand larceny and petit larceny shall be abolished, and every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before the commencement of this Act.

Distinction be-
tween Grand
and Petit Lar-
ceny abolished.

III. That every person convicted of simple larceny, or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice, publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Punishment
for simple Lar-
ceny or Felony
made punish-
able by this
Act.

IV. And with regard to the place and mode of imprisonment for all indictable offences punishable under this Act; Be it, &c., That where any person shall be convicted of any felony or misdemeanour punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour within or without the walls of the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole, or any portion or portions of such imprisonment, with hard labour, as to the Court, in its discretion, shall seem meet.

Place and mode
of imprisonment
for Felony or
misdemeanours
punishable
under this
Act.

V. That if any person shall steal any tally, order, or other security whatsoever, entitling or evidencing the title of any person or body corporate, to any share or interest in any public loan, stock, or fund, whether of the United Kingdom, or any part of it, or of this or any other of Her Majesty's colonial possessions, or of any foreign state, colony, or possession, or in any fund of any body corporate, company, or society, or to any deposit in any savings' or other bank or banks, or shall steal any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever, for money, or for payment of money, or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, every such offender shall be deemed guilty of felony, of the same nature, and in the same degree, and punishable in the same manner, as if he had stolen any chattel of like value with the share, interest, or deposit to which the security so stolen may relate, or with the money due on the security so stolen or secured thereby, and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in the warrant or order; and each of the several documents hereinbefore enumerated shall, throughout this Act, be deemed, for every purpose to be included under, and denoted by, the words valuable security.

Punishment
for stealing any
tally, order, or
other security,
&c.

Or any deben-
ture, deed,
bond, bill, note,
warrant, order,
&c.

No. 1.
Act 2 Vic.
c. 5.

Punishment
for demanding
money, &c., by
writing, when
not entitled
thereto, or who
shall accuse
any person of
any crime
punishable by
this Act.

Buggery deno-
minated an in-
famous crime.

Sacrilege, how
punished.

Burglary, how
punished.

Punishment
for entering a
dwelling-house
and stealing
therefrom to
the amount of
£5.

VI. & VII. Repealed by 4 Victoria, ch. 27.

VIII. That if any person shall, knowingly, send or deliver any letter or writing, demanding of any person with menaces, and without any reasonable or probable cause, any chattel, money, or valuable security, or if any person shall accuse, or threaten to accuse, or shall knowingly send or deliver any letter or writing accusing, or threatening to accuse, any person of any crime, punishable by law with death, transportation, or pillory, or of any assault, with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime, as hereinafter defined, with a view or intent to extort or gain from such person any chattel, money, or valuable security, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years; and, if a male, to be once, twice, or thrice, publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

IX. And for defining what shall be an infamous crime, within the meaning of this Act; Be it, &c., That the abominable crime of buggery committed either with mankind or with beast, and every assault, with intent to commit the said abominable crime, and every attempt or endeavour to commit the said abominable crime and every solicitation, persuasion, promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act.

X. That if any person shall break and enter any church or chapel, or any chapel used for the religious worship of persons dissenting from the United Church of England and Ireland, and steal therein any chattel, or having stolen any chattel in any church or chapel, shall break out of the same, every such offender being convicted thereof, shall suffer death as a felon.

XI. That every person convicted of burglary shall suffer death as a felon;* And, &c., That if any person shall enter the dwelling-house of another, with intent to commit felony, or being in such dwelling-house shall commit felony, and shall, in either case, break out of the said dwelling-house, in the night-time, such person shall be deemed guilty of burglary.

XII. That if any person shall break and enter any dwelling-house, and steal therein any chattel, money, or valuable security, to any value whatever, or shall steal any such property to any value whatever in any dwelling-house, any person therein being put in fear, or shall steal in any dwelling-house any chattel, money, or valuable security to the value, in the whole, of five pounds,† or more, lawful sterling money, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice, publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

* So much of this section as relates to the punishment of any person convicted of Burglary, is repealed by 4 Vic. c. 27, *post*, No. 3 of this Class.

† By 7 Vic. c. 16, it is declared that all sums in this Act shall represent British sterling money.

XIII. That no building, although within the same curtilage with the dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for the purpose of burglary, or for any of the purposes aforesaid, unless there shall be a communication between such building and dwelling-house, either immediate, or by means of a covered and enclosed passage leading from the one to the other.

No. 1.
Act 2 Vic.
c. 5.

What deemed
part of a dwell-
ing house, for
the purpose of Burglary.

XIV. That if any person shall break and enter any building, and steal therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling-house, and occupied therewith, but not being part thereof, according to the provision hereinbefore mentioned, every such offender being convicted thereof, either upon an indictment for the same offence, or upon an indictment for burglary, house-breaking, or stealing to the value of five pounds, lawful money as aforesaid, in a dwelling-house, containing a separate count for such offence, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Burglary,
house-break-
ing, &c., how
punished.

XV. That if any person shall break and enter any shop, warehouse, counting-house, cellar, or office, and steal therein any chattel, money, or valuable security, every such offender being convicted thereof, shall be liable to imprisonment for any term not exceeding four years, and in addition thereto at the discretion of the Court, to transportation for any term of years, or for life, to any penal settlement within the colony, or to any place out of the limits thereof.

Punishment
for stealing
from any shop,
warehouse, &c.

XVI. That if any person shall steal any money, goods, or merchandise, in any vessel, barge, or boat of any description whatever, in any port of entry or discharge, or in any creek, roadstead, or anchoring place belonging to or communicating with any such port, or shall steal any money, goods, or merchandise, from any wharf or quay adjacent to any such port or creek, every such offender being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding four years, and if a male, to be once, twice, or thrice, publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Punishment
for stealing
from any
barge or boat,
&c.

Sections XVII., XVIII., XIX., and XX. repealed by Ord. No. 6 of 1860.

XXI. That if any person shall steal, or shall for any fraudulent purpose take from its place of deposit for the time being, or from any person having the lawful custody thereof, or shall unlawfully and maliciously obliterate, injure, or destroy any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or any original document whatsoever, of, or belonging to any Court or office of record, or relating to any matter, civil or criminal, begun, depending, or terminated in any such Court, or any bill, answer, interrogatory, deposition, affidavit, order, or decree, or any original document whatsoever, of, or belonging to any Court of Equity, or relating to any cause or matter begun, depending or terminated in any such Court, every such offender shall be guilty of a misdemeanour, and being convicted thereof shall be liable at the discretion of the Court, to suffer such punishment by fine or imprisonment, or by both, as the Court shall award :

Punishment
for stealing or
destroying any
Record, &c.

No. 1.
Act 2 Vic.
c. 5.

Proviso.

Punishment
for stealing or
destroying any
Will or Codicil
before or after
death of testator
or testatrix.

Punishment
for stealing any
parchment,
paper, &c.

This Act not to
lessen or im-
peach any pre-
vious remedy
at law.

No conviction
to be received
in evidence.

Evidence on
oath obtained
by compulsory
process pre-
vious to in-
dictment not
admissible.

Punishment
for stealing
any horse,
mare, gelding,
&c.

Provided such fine do not exceed fifty pounds sterling, and the imprisonment two years; and it shall not be necessary in any indictment for such offence to allege that the articles in respect of which the offence is committed is the property of any person, or that the same is of any value.

XXII. That if any person shall, either during the life of the testator or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy, or conceal any will, codicil, or other testamentary instrument, whether the same shall relate to real or personal estate, or to both, every such offender shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to any of the punishments which the Court may award, as hereinbefore last mentioned; and it shall not, in any indictment for such offence, be necessary to allege that such will, codicil, or other instrument, is the property of any person, or that the same is of any value.

XXIII. That if any person shall steal, or shall, for any fraudulent purpose, take from its place of deposit, or from any person having the lawful custody thereof, any paper or parchment, written or printed, or partly written and partly printed, being evidence of the title, or any part of the title, to any real estate, or shall unlawfully and maliciously obliterate, injure, or destroy, the record thereof, every such offender shall be deemed guilty of a misdemeanour, and, being convicted thereof, shall be liable to any of the punishments which the Court may award, as hereinbefore last mentioned: and, in any indictment for such offence, it shall be sufficient to allege the thing stolen, taken, obliterated, injured, or destroyed, to be evidence of the title, or part of the title, of the person, or some one of the persons, having a present interest, whether legal or equitable, in the real estate to which the same relates, and to mention such real estate, or some part thereof: and it shall not be necessary to allege the thing in respect of which the offence is committed, to be of any value.

XXIV. That nothing in this Act contained relative to either of the misdemeanours aforesaid, nor any proceeding, conviction, or judgment to be had or taken thereupon, shall prevent, lessen, or impeach, any remedy at law, or in equity, which any party aggrieved by any such offence might, or would have had, if this Act had not been passed; but, nevertheless, the conviction of any such offender shall not be received in evidence, in any action at law, or suit in equity, against him; and no person shall be liable to be convicted of either of the misdemeanours aforesaid, by any evidence whatever, in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act on oath, in consequence of any compulsory process of any Court of law of equity, in any action, suit, or proceeding which shall have been *bond fide* instituted by any party aggrieved.

XXV. That if any person shall steal any horse, mare, gelding, colt, or filly, or any bull, cow, heifer, or calf, or any ram, ewe, sheep, or lamb, mule or ass, or any swine, or shall wilfully kill any such animal or cattle, with intent to steal the carcass or skin, or any part of the animal or cattle so killed, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years; and, if a male, to be once, twice, or thrice, publicly or privately whipped,

if the Court shall so think fit, in addition to such imprisonment.

XXVI. That if any person shall steal any dog, or shall steal any beast, or bird, ordinarily kept in a state of confinement, not being the subject of larceny at common law, every such offender being convicted thereof before two Justices of the Peace, shall, for the first offence, forfeit and pay over and above the value of the dog, beast, or bird, such sum of money, not exceeding twenty pounds, as to the Justices shall seem meet: and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof, in like manner every such offender shall be committed to the common gaol or house of correction, there to be kept to hard labour for such time, not exceeding twelve calendar months, as the convicting Justices shall think fit; and they may further order the offender, if a male, to be once, twice, or thrice, publicly or privately whipped, after the expiration of four days from the time of such conviction.

XXVII. That if any dog, or any such beast, or the skin thereof, or any such bird, or any of the plumage thereof, shall be found in the possession or on the premises of any person, by virtue of a search warrant to be granted as hereinafter mentioned, the Justices, by whom such warrant was granted, may restore the same respectively, to the owner thereof; and the person in whose possession, or on whose premises the same shall be so found, such person knowing that the dog, beast, or bird has been stolen, or that the skin is the skin of a stolen dog, or beast; or that the plumage is the plumage of a stolen bird, shall, on conviction before two Justices of the Peace, be liable for the first offence to such forfeiture: and, for every subsequent offence, to such punishment as persons convicted of stealing any dog, beast, or bird, are hereinbefore made liable to.

XXVIII. That if any person shall unlawfully and wilfully kill, wound, or take, any house-dove or pigeon, under such circumstances as shall not amount to larceny at common law, except in the premises of the person killing the same, every such offender, being convicted thereof before two Justices of the Peace, shall forfeit and pay, over and above the value of the bird, any sum not exceeding two pounds.

XXIX. That if any person shall unlawfully steal, or catch, kill, or injure with intent to steal, any turtle or fish, being in any pond or crawl, every such offender, being convicted thereof before two Justices of the Peace, shall, at the discretion of the Justices, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three calendar months: or else shall forfeit and pay, over and above the value of the turtle or fish so stolen, caught, killed, or injured, such sum of money not exceeding fifteen pounds lawful money; as aforesaid, as to such Justices shall seem meet: and if any person, so convicted, shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and, being convicted thereof, shall be liable to be imprisoned and kept to hard labour for any term not exceeding four years, at the discretion of the Court.

XXX. That if any person shall at any time be found turtling, or fishing, against the provisions of this Act, it shall be lawful for the

No. 1.
Act 2 Vic.
c. 5.

Punishment
for stealing
any dog, beast,
or bird.

Punishment for
the unlawful
possession of
the skin of any
beast, &c.

Punishment
for killing any
house-dove or
pigeon.

Punishment
for stealing or
killing turtle
or fish in any
pond or crawl.

Punishment
for turtling or
fishing.

No. 1.
Act 2 Vic.
c. 5.

fishing against
the provision
of this Act.

Punishment
for defacing or
obliterating
any brand, or
other marks on
cattle, &c.

Punishment
for cutting,
breaking, or
otherwise de-
stroying any
tree, &c., if the
value shall
exceed £1.

Punishment
for destroying
any tree, sap-
ling, &c., of
the value of
one shilling.

owner of the ground, water, or fishery, where such offender shall be so found, his servants, or any person authorized by him, to demand from such offender any rods, lines, hooks, nets, or other implements for taking or destroying turtle or fish, which shall then be in his possession: and in case such offender shall refuse to deliver up the same, it shall be lawful for the person aforesaid, to seize and take possession thereof for the use of the owner of the said ground, water, or fishery.

XXXI. That if any person shall erase, deface, obliterate, or alter, any brands or other marks on any cattle, sheep, swine, goats, turtle, or fish, such turtle or fish being in a pond or crawl, or put any false mark thereon, with a fraudulent or malicious intent, every such offender shall be guilty of a misdemeanour, and on conviction thereof before two Justices of the Peace, shall be liable, at the discretion of such Justices, to be fined in any sum not exceeding twenty pounds of lawful money: and, in default of payment thereof, shall, at the discretion of the Justices, be imprisoned in the common gaol, workhouse, or house of correction, for any space of time not exceeding six calendar months: and if any person, so convicted, shall afterwards be guilty of the said offence, such offender shall be committed to the common gaol, workhouse, or house of correction, there to be kept to hard labour for such time not exceeding twelve calendar months, as the convicting Justices shall think fit.

XXXII. That if any person shall steal, or shall cut, break, root up, or otherwise destroy, or damage, with intent to steal, the whole, or any part of any tree, sapling, or shrub, or any underwood, respectively growing in any park, pleasure-ground, garden, orchard, or avenue, or in any ground adjoining or belonging to any dwelling-house, every such offender, in case of the value of the article or articles stolen, or the amount of the injury done, shall exceed one pound sterling, shall be guilty of felony, and, being convicted thereof, shall be liable to be punished in the same manner, as in the case of simple larceny; and if any person shall steal, or shall cut, break, root up, or otherwise destroy, or damage, with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood respectively growing elsewhere than in any of the situations hereinbefore mentioned, every such offender, in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of five pounds sterling, shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

XXXIII. That if any person shall steal, or shall cut, break, root up, or otherwise destroy, or damage, with intent to steal, the whole or any part of any tree, sapling, or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles, or the injury done being to the amount of a sixpence sterling, at the least, every such offender, being convicted before two Justices of the Peace, shall, for the first offence, forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding five pounds, as to the Justices shall seem meet; and if any person so convicted shall afterwards be guilty of any of the said offences, and shall be convicted thereof in like manner, every such offender shall, for such second offence, be committed to the common gaol, or house of correction, there to be kept to hard labour for

such term not exceeding twelve calendar months, as the convicting Justices shall think fit; and they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction; and if any person, so twice convicted, shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

No. 1.
Act 2 Vic.
c. 5.

XXXIV. That if any person shall steal, or shall cut, break, or throw down, with intent to steal, any part of any live or dead fence, or any wooden post, pale, or rail, set up or used as a fence, or any stile, gate, stone wall, or any part thereof, respectively, every such offender, being convicted before two Justices of the Peace, shall, for the first offence, forfeit and pay over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding five pounds, as to the Justices shall seem meet; and if any person, so convicted, shall afterwards be guilty of any of the said offences, and shall be convicted thereof, in like manner, every such offender shall be committed to the common gaol, or house of correction, there to be kept to hard labour for such term not exceeding twelve calendar months, as the convicting Justices shall think fit; and they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Punishment
for destroying
fences, with the
intent of steal-
ing.

XXXV. That if the whole, or any part, of any tree, sapling, or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, rail, stile, or gate, stone wall, or any part thereof, being of the value of two shillings, at the least, shall, by virtue of a search warrant to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person with his knowledge, and such person being carried before two Justices of the Peace, shall not satisfy the Justices that he came lawfully by the same, he shall, on conviction by the Justices, forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding two pounds.

Punishment
for the unlawful
possession of
any stolen
fence, &c., of
the value of
two shillings.

XXXVI. That if any person shall steal, or shall destroy, or damage, with intent to steal, any salt from any salt pond, salt pan, or salt heap adjacent to any salt pond, or pan, every such offender, being convicted thereof before two Justices of the Peace, shall, at the discretion of the Justices, either be committed to the common gaol, or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three calendar months; or else shall forfeit and pay, over and above the value of the salt so stolen or injured, such sum of money, not exceeding fifteen pounds, lawful money, as aforesaid, as to such Justices shall seem meet; and if any person so convicted shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof shall be liable to be imprisoned, and kept to hard labour, for any term not exceeding four years, at the discretion of the Court.

Punishment
for stealing
salt from salt
ponds, &c.

XXXVII. That if any person shall steal, or shall destroy or damage, with intent to steal any plant, root, fruit, or vegetable production, growing in any garden or orchard, every such offender, being convicted thereof before two Justices of the Peace, shall, at the discretion of the Justices, either be committed to the common

Punishment
for stealing
any plant,
fruit, &c., from
any garden or
orchard.

No. 1.
Act 2 Vic.
c. 5.

Punishment
for stealing
any standing
maize, &c.,
from any open
or enclosed
land.

gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding three calendar months, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding fifteen pounds, lawful money, as aforesaid, as to the Justices shall seem meet; and if any person, so convicted, shall afterwards commit any of the said offences, such offender shall be deemed guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny.

XXXVIII. That if any person shall steal, or shall destroy or damage, with intent to steal, any fruit or standing maize, or Indian corn, or Guinea corn, or other vegetable production, or any other cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for, or in the course of any manufacture, and growing on any land open or inclosed, not being a garden or orchard, every such offender, being convicted before two Justices of the Peace, shall, at the discretion of the Justices, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour for any term not exceeding one calendar month; or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding twenty shillings, lawful money, as aforesaid, as to the Justices shall seem meet; and in default of payment thereof, with the costs (if ordered,) shall be committed, as aforesaid, for any term not exceeding one calendar month, unless payment be sooner made; and if any person so convicted shall afterwards be guilty of the said offence, and shall be convicted thereof, in like manner, every such offender shall be committed to the common gaol, or house of correction, there to be kept to hard labour for such term not exceeding three calendar months, as the convicting Justices shall think fit, and they may further order the offender, if a male, to be once or twice publicly or privately whipped, after the expiration of four days from the time of such conviction.

Punishment
for stealing
any glass,
woodwork, &c.,
from any
building.

XXXIX. That if any person shall steal, or rip, cut, or break, with intent to steal, any glass or wood-work belonging to any building whatsoever, or any lead, iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or any other material, respectively fixed in or to any building whatsoever, or anything made of metal fixed in any land, being private property, or for a fence to any dwelling-house, garden, or area, or in any square, street, or other public place, dedicated to public use or ornament, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be punished in the same manner as in the case of simple larceny, and in case of any such thing fixed in any square, street, or like place, it shall not be necessary to allege the same to be the property of any person.

Punishment
when Tenants
shall steal any
chattel or fix-
ture.

XL. And for the punishment of depredations committed by tenants and lodgers; Be it, &c., That if any person shall steal any chattel or fixture, let to be used by him or her, in or with any house or lodging, whether the contract shall have been entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband, every such offender shall be guilty of felony, and being convicted thereof shall be liable to be punished in the

same manner as in the case of simple larceny; and in every such case of stealing any chattel, it shall be lawful to prefer an indictment in the common form, as for larceny, and in every such case of stealing any fixture, to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

No. 1.
Act 2 Vic.
c. 5.

XLI. And for the punishment of depredations committed by clerks and servants, in cases not punishable capitally; Be it, &c., That if any clerk or servant shall steal any chattel, money, or valuable security, belonging to, or in the possession or power of his master or employer, every such offender being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, and if a male, to be once, twice, or thrice, publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Punishment of Clerks and Servants stealing from their employer.

XLII. And for the punishment of embezzlements committed by clerks or servants; Be it, &c., That if any clerk, or servant, or any person employed for the purpose, or in the capacity of a clerk or servant, shall, by virtue of such employment, receive or take into his possession, any chattel, money, or valuable security, for, or in the name, or on account of his master or employer, and shall fraudulently embezzle the same or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or valuable security, was not received into the possession of such master or employer, otherwise than by the actual possession of his clerk, servant, or other person so employed; and every such offender being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last mentioned.

Punishment for embezzling their master's property.

XLIII. And for preventing the difficulties that have been experienced in the prosecution of the last-mentioned offences; Be it, &c., That it shall be lawful to charge in the indictment, and proceed against the offender, for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against the same master or employer, within the space of six calendar months, from the first to the last of such acts; and in every such indictment (except where the offence shall relate to any chattel) it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin, or valuable security, and such allegation so far as regards the description of the property shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him, in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been delivered accordingly.

Any number of acts of embezzlement not exceeding three may be proceeded against.

XLIV. And for the punishment of embezzlement committed by agents intrusted with property; Be it, &c., That if any money or security for the payment of money, shall be intrusted to any banker, merchant, broker, attorney, or other agent, with any direction in writing to apply such money, or any part thereof, or the proceeds,

Punishment of Agents for embezzling property intrusted to them.

No. 1.
Act 2 Vic.
c. 5.

or any part of the proceeds of such security, for any purpose specified in such direction, and he shall in violation of good faith, and contrary to the purpose so specified, in anywise convert to his own use or benefit such money, security, or proceeds, or any part thereof, respectively, every such offender shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award; and if any chattel, or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public loan, stock, or fund, whether of the United Kingdom or of any part thereof, or of this or any other of Her Majesty's colonial possessions or settlements, or of any foreign state or colony, or in any fund of any body corporate, company, or society, shall be intrusted to any banker, merchant, broker, attorney, or other agent, for safe custody, or for any special purpose, without any authority to sell, negotiate, transfer, or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney, shall have been intrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney shall relate, or any part thereof, every such offender shall be guilty of a misdemeanour, and being convicted thereof shall be liable, at the discretion of the Court, to any of the punishments which the Court may award, as hereinbefore last mentioned.

This Act not to affect any Trustee or Mortgagee in regard to any property under their control, or any banker, or merchant, &c.

XLV. That nothing hereinbefore contained relating to agents, shall affect any trustee in or under any instrument whatever, or any mortgagee of any property, real or personal, in respect of any act done by such trustee or mortgagee, in relation to the property comprised in or affected by any such trust or mortgage, nor shall restrain any banker, merchant, broker, attorney, or other agent, from receiving any money, which shall be or become actually due and payable upon, or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done, if this Act had not been passed, nor for selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he shall have any lien, claim, or demand, entitling him by law so to do, unless such sale, transfer, or other disposal shall extend to a greater number or part of such securities or effects, than shall be requisite for satisfying such lien, claim, or demand.

Punishment of Agents, &c., pledging goods, &c., intrusted to them for sale as a security for their own benefit.

XLVI. That if any factor or agent, intrusted for the purpose of sale, with any goods or merchandise, or intrusted with any bill of lading, warehouse-keeper's or wharfinger's certificate, or warrant or order for the delivery of goods or merchandise, shall, for his own benefit, and in violation of good faith, deposit or pledge any such goods or merchandise, or any of the said documents as a security for any money or negotiable instrument, borrowed or received by such factor or agent, at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the Court, to suffer such punishment by fine or imprisonment, or by both, as the Court shall award; but no such factor or agent shall be liable to any prosecution for depositing or pledging any such goods or merchandise, or any

of the said documents, in case the same shall not be made a security for, or subject to the payment of any greater sum of money than the amount, which at the time of such deposit or pledge was justly due and owing to such factor or agent from his principal, together with the amount of any bill or bills of Exchange drawn by, or on account of such principal, and accepted by such factor or agent.

XLVII. Provided always, and be it, &c., That nothing in this contained, nor any proceeding, conviction, or judgment, to be had, or taken thereupon, against any banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall prevent, lessen, or impeach, any remedy at law or in equity, which any party aggrieved by any such offence, might or would have had, if this Act had not been passed; but, nevertheless, the conviction of any such offender shall not be received in evidence in any action at law or suit in equity against him: and no banker, merchant, broker, factor, attorney, or other agent as aforesaid, shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act done by him, if he shall at any time previously to his being indicted for such offence have disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit, or proceeding, which shall have been, *bonâ fide*, instituted by any party aggrieved.

XLVIII. And whereas, a failure of justice frequently arises from the subtle distinction between larceny and fraud, for remedy thereof, Be it, &c., That if any person shall, by false pretences, obtain from any other person any chattel, money, or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a misdemeanour, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding twelve calendar months, and if a male, to be once or twice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment: Provided always, That if upon the trial of any person indicted for such misdemeanour, it shall be proved that he obtained the property in question in such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted of such misdemeanour; but no person tried for such misdemeanour shall be liable to be afterwards prosecuted for larceny on the same facts.

XLIX. And with regard to the receivers of stolen property: Be it, &c., That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing or taking whereof shall amount to a felony, either at common law or by virtue of this Act, such person knowing the same to have been feloniously stolen or taken away, every such receiver shall be guilty of felony, and may be indicted and convicted either as an accessory after the fact, or for a substantive felony, and in the latter case, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice: and every receiver, howsoever convicted, shall be liable at the discretion of the Court, to be imprisoned for any term not exceeding three years, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment: Provided always, That no person, howsoever tried, for receiving, as aforesaid, shall be liable to be prosecuted a second time for the same offence.

No. 1.
Act 2 Vic.
c. 5.

This Act not
to lessen any
remedy at law.

Nor shall the
conviction be
received in
evidence.

Punishment
for obtaining
any chattel,
&c., with in-
tent to cheat.

Proviso.

Receivers of
stolen goods
guilty of
felony.

Proviso.

No. 1.
Act 2 Vic.
c. 5.

Punishment
for receiving
stolen goods.

L. That if any person shall receive any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining or converting whereof is made an indictable misdemeanour by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained, or converted, every such offender shall be guilty of a misdemeanour, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanour shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice: and every such receiver shall, on conviction, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding one year, and if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Stolen property,
when received,
how dealt with.

LI. And to encourage the prosecution of offenders: Be it, &c., That if any person guilty of any such felony or misdemeanour, as aforesaid, in stealing, taking, obtaining, or converting, or in knowingly receiving any chattel, money, valuable security, or other property, whatsoever, shall be indicted for any such offence, by or on behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative, and the Court, before whom any such person shall be so convicted, shall have power to award, from time to time, writs of restitution for the said property, or to order the restitution thereof in a summary manner: Provided always, That if it shall appear before any award or order made, that any valuable security shall have been *bonâ fide* paid or discharged, by some person or body corporate, liable to the payment thereof, or being a negotiable instrument, shall have been *bonâ fide* taken or received by transfer or delivery by some person or body corporate, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had, by any felony, or misdemeanour, been stolen, taken, obtained, or converted, as aforesaid, in such case the Court shall not award or order the restitution of such security.

Persons helping
to stolen goods
guilty of felony.

LII. That every person who shall corruptly take any money or reward, directly or indirectly, under pretence, or upon account of helping any person to any chattel, money, security, or other property whatsoever, which shall by any felony, or misdemeanour have been stolen, taken, obtained, or converted, as aforesaid, shall, unless he cause the offender to be apprehended and brought to trial for the same, be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped, if the Court shall so think fit, in addition to such imprisonment.

Punishment
for advertising
rewards for
stolen property.

LIII. That if any person shall publicly advertise a reward for the return of any property whatsoever, which shall have been stolen or lost, and shall, in such advertisement, use any words purporting that no question will be asked, or shall make use of any words purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property, or shall promise or offer in any such public advertisement, to return to any person, who may have bought or advanced money by way of loan, upon any property stolen or lost, the money so paid or advanced,

or any other sum of money or reward for the return of such property, or if any person shall print or publish any such advertisement in any of the above cases, every such person shall forfeit the sum of fifty pounds for every such offence, to any person who will sue for the same, by action of debt, to be recovered with full costs of suit.

No. 1.
Act 2 Vic.
c. 5.

LIV. That where the stealing or taking of any property, whatsoever, is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who shall receive any such property, knowing the same to have been unlawfully come by, shall, on conviction thereof before two Justices of the Peace, be liable for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property, is by this Act made liable to.

Liability of persons receiving any property, knowing the same to be stolen.

LV. And whereas, it is expedient that larcenies to a trifling amount should be punished in a summary manner; Be it, &c., That if any person or persons shall be brought before two Justices of the Peace, charged with larceny, and it shall appear, on proof, to the said Justices that the value of the property stolen or alleged to be stolen, does not exceed the sum of ten shillings, of lawful money of these islands, it shall and may be lawful for the said Justices to proceed to adjudicate on the case in a summary manner, and on conviction of the offender or offenders, to sentence him, her, or them to imprisonment, with or without hard labour, for any term not exceeding three months, or to forfeit and pay any sum of money, not exceeding the sum of five pounds of lawful money of these islands: Provided, That in case the Justices shall be of opinion that the same is, from any circumstance, a fit subject for a prosecution by indictment, they shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as in cases above the value of ten shillings.

Justices of the Peace empowered to hear and adjudicate in cases of Larceny not exceeding ten shillings.

Proviso.

LVI. That in case of every felony punishable under this Act, every principal in the second degree, and every accessary before the fact, shall be punishable with death, or otherwise, in the same manner as the principal in the first degree is by this Act made punishable, and every accessary, after the fact, to any felony punishable under this Act (except only a receiver of stolen property), shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanour punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Punishment of accessaries.

LVII. That if any person shall aid, abet, counsel or procure the commission of any offence, which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, every such person shall, on conviction before two Justices of the Peace, be liable for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment, to which a person guilty of a first, second, or subsequent offence, as a principal offender, is by this Act made liable.

Punishment of aiders and abettors.

LVIII. And for the more effectual apprehension and discovery of all offenders punishable under this Act; Be it, &c., That any

Persons may be apprehended

No. 1.
Act 2 Vic.
c. 5.

without a
warrant by a
peace officer.

person found committing any offence, punishable either upon an indictment or upon summary conviction, by virtue of this Act, may be immediately apprehended, without a warrant, by any peace officer, or by the owner of the property, in or with respect to which the offence shall be committed, or by his servant, or by any person authorized by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to law; and if any credible witness shall prove upon oath, before a Justice of the Peace, a reasonable cause to suspect that any person has in his possession, or on his premises, any property whatsoever, on or with respect to which any such offence shall have been committed, the Justice may grant a warrant to search for such property, as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and, if in his power, is required to apprehend and forthwith to carry before a Justice of the Peace, the party offering the same, together with such property, to be dealt with according to law.

Prosecutions
shall be com-
menced within
six months
after discovery.

LIX. That the prosecution for every offence punishable on summary conviction, under this Act, shall be commenced within six calendar months after the discovery of the offence, and not otherwise, and the evidence of the party aggrieved shall be admitted in proof of the offence.

Justice may
issue summons,
and may pro-
ceed to hear
the case *ex*
parte.

LX. And for the more effectual prosecution of all offences punishable on summary conviction under this Act; Be it, &c., That where any person shall be charged on the oath of a credible witness, before any Justice of the Peace, with any such offence, the Justice may summon the person charged to appear at a time and place, to be named in such summons; and if he shall not appear accordingly, then upon due proof of the service of the summons upon such person, by delivering the same to him personally, (or by leaving the same at his usual place of abode,) the Justice may either proceed with any other Justice to hear and determine the case *ex parte*, or issue his warrant for apprehending such person, and bringing him before himself and some other Justice of the Peace, or any other two Justices; or the Justice before whom the charge shall be made may (if he shall so think fit), without any previous summons, unless where otherwise specially directed, issue such warrant, and the Justices, before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

Sums of money
forfeited for
property stolen,
how disposed of.

LXI. And with regard to the application of all forfeitures and penalties upon summary conviction under this Act; Be it, &c., That every sum of money which shall be forfeited for the value of any property stolen or taken, or for the amount of any injury done, such value or amount to be assessed, in each case, by the convicting Justices, shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence, and in that case, or where the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty; and every sum which shall be imposed as a penalty by any Justice of the Peace, whether in addition to such value or amount, or otherwise, shall be paid into the Public Treasury of the said islands, in aid of the support of Her Majesty's Government therein, and the con-

tingent expenses thereof; Provided always, That where several persons shall join in the commission of the same offence, and shall upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury, in every such case, no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only, and the corresponding sum or sums of money forfeited by the other offender or offenders, shall be paid into the Public Treasury in aid as aforesaid.

No. 1.
Act 2 Vic.
c. 5.
Proviso.

LXII. That in every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen, or for the amount of the injury done, or which shall be imposed as a penalty by the Justices, shall not be paid either immediately after the conviction, or within such period as the Justices at the time of the conviction shall appoint, it shall be lawful for the convicting Justices, unless where otherwise specially directed, to commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour within or without the walls of the same, according to the discretion of the Justices, for any term not exceeding two calendar months where the amount of the sum forfeited, or of the penalty imposed, or of both (as the case may be), together with the costs, shall not exceed five pounds; and for any term not exceeding four calendar months, where the amount with costs shall not exceed ten pounds; and for any term not exceeding six calendar months, in any other cases; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

For non-payment of a penalty, the offender may be committed.

LXIII. That where any person shall be summarily convicted before two Justices of the Peace of any offence against this Act, and it shall be a first conviction, it shall be lawful for the Justices, if they shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Justices.

For a first conviction the Justice may discharge the offender.

LXIV. That the Justices before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require, viz. :—

Form of conviction.

Turks and Caicos Islands, to wit: Be it remembered, that on the day of _____ in the year of our Lord _____ at _____ one of the said Turks and Caicos Islands, *A. O.* is convicted before us, *J. P.* and *L. M.*, two of Her Majesty's Justices of the Peace for the said islands, for that he the said *A. O.* did (*specify the offence, and the time and place when and where the same was committed, as the case may be, and on a second conviction, state the first conviction.*) and we, the said *J. P.* and *L. M.*, adjudge the said *A. O.*, for his said offence, to be imprisoned in the _____ (or to be imprisoned in the _____ and there kept to hard labour) for the space of _____; (or, we adjudge the said *A. O.*, for his said offence, to forfeit and pay _____ (*here state the penalty actually imposed, or state the penalty and also the value of the articles stolen, or the amount of the injury done, as the case may be*) and also to pay the sum of _____ for costs; and in default of immediate payment of the said sums,

No. 1.
Act 2 Vic.
c. 5.

to be imprisoned in the (or to be imprisoned in the
and there kept to hard labour for the space of
unless the said sums shall be sooner paid), or, and we order that
the said sums shall be paid by the said *A. O.*, on or before the
day of and we direct that the said sum of
(*i. e., the penalty only*) shall be paid into the public Treasury of
the said islands, in aid of the support of Her Majesty's Government
therein, and the contingent expenses thereof, and that the said sum
of (*i. e., the value of the articles stolen, or the amount
of the injury done*) shall be paid to *C. D.*, (*i. e., the party aggrieved*)
unless where he is unknown, or has been examined in proof of the
offence, (*in which case, state the fact and dispose of the whole, like
the penalty as before, viz., to be paid into the public Treasury, in
aid as aforesaid*) and we order that the said sum of for
costs, shall be paid to (*the complainant*). Given under
our hands and seals the day and year first above written.

Any person
aggrieved by
any sentence
may appeal to
the Supreme
Court.

LXV. That in all cases of summary conviction, any person who
shall think himself aggrieved by such conviction, may appeal to the
Supreme Court: Provided, that such person shall give to the com-
plainant a notice, in writing, or a verbal notice in presence of a
magistrate of such appeal, and the cause and matter thereof, within
ten days after such conviction, and shall also either remain in
custody until the meeting of the said Court (if not then sitting), or
enter into a recognizance, with two sufficient sureties, before a
Justice of the Peace, conditioned personally to appear at the said
Court, and to try such appeal, and to abide the judgment of the
Court thereupon, and pay such costs as shall be by the Court
awarded, and upon such notice being given and such recognizance
being entered into, the Justice before whom the same shall be en-
tered into, shall liberate such person, if in custody, and the said
Court shall hear and determine the matter of the appeal, and shall
make such order therein, with or without costs, to either party, as
to the Court shall seem meet; and in case of the dismissal of the
appeal or affirmance of the conviction, shall order and adjudge the
offender to be punished according to the conviction, and pay such
costs as shall be awarded, and shall, if necessary, issue to process
for enforcing such judgment.

LXVI. That it shall be lawful for the Court or magistrates
authorized by this Act to award hard labour as a punishment for
any offence, to direct at discretion, the same to be performed at
such island or settlement within the colony, as to the Court or
magistrates may seem meet.

No conviction
to be quashed
for want of
form.

LXVII. That no such conviction shall be squashed for want of
form, and no warrant of commitment shall be held void by reason
of any defect therein; Provided it is therein alleged that the party
has been convicted, and there be a good and valid conviction to
sustain the same.

The Justice to
transmit the
conviction to
the Clerk of
the Crown.

LXVIII. That every Justice of the Peace, before whom any
person shall be convicted of any offence against this Act, shall
transmit the conviction to the Clerk of the Crown, to be kept by
him among the records of the said Court, and upon any indict-
ment or information against any person for a subsequent offence, a
copy of such conviction, certified by the said Clerk of the Crown,
or proved to be a true copy, shall be sufficient evidence to prove a
conviction for the former offence, and the conviction shall be pre-

sumed to have been unappealed against, until the contrary be shown.

LXIX. And for the protection of persons acting in the execution of this Act; Be it, &c., That all actions and prosecutions to be commenced against any person, for anything done in pursuance of this Act, shall be commenced within six calendar months after the fact committed, and not otherwise; and notice, in writing, of such action, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action; and in any such action, the defendant may plead the general issue, and give this Act, and the special matter, in evidence, at any trial to be had thereupon, and no plaintiff shall recover, in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by, or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or discontinue any such action after issue joined, or if upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs, and have the like remedy for the same, as any defendant hath, by law, in other cases.

LXX. That where any felony or misdemeanour, punishable under this Act, shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried and determined, as any other felony or misdemeanour committed within that jurisdiction.

LXXI. Whereas, in many cases, the taking bail for the appearance of persons charged with felony, may be safely admitted without endangering the appearance of such persons to take their trial in due course of law, and it is expedient in such cases, to extend the powers of Justices of the Peace in this respect; Be it, &c., That it shall and may be lawful for any two Justices of the Peace, of whom one or other shall have signed the warrant for the apprehension or commitment, to admit any person charged with felony under this Act, or against whom any warrant of commitment for such felony is signed, to bail, in such sum and with such sureties as they shall think fit, and notwithstanding such person shall have confessed the matter laid to his or her charge; or notwithstanding such Justices shall not think such charge groundless, or shall think that the circumstances are such as to raise a presumption of guilt, anything contained in any law of these islands to the contrary notwithstanding: Provided, however, That no person charged with any felony, the punishment of which is capital, shall be so bailed.

LXXII. Suspends the following Acts of Assembly, except so far as they repeal or suspend wholly, or in part, other Acts, viz.: 8 Geo. 2, ch. 1; 15 Geo. 2, ch. 1 (in part); 5 Wm. 4, ch. 11; and 5 Wm. 4, ch. 22.

No. 1.
Act 2 Vic.
c. 5.

When actions and prosecutions are to be commenced, Notice to be given.

Defendant to plead the general issue.

Felonies within the jurisdiction of the Admiralty of England, how dealt with.

Justices may admit to bail for felony.

No. 2.—3 Vic. ch. 35. *An Act to amend 2 Vic. ch. 5.*
(February 20th, 1840.)

No. 2.
Act 3 Vic.
c. 35.

I. That it shall be lawful for the President, or other Officer administering the Government of the colony for the time being, in

No. 2.
Act 3 Vic.
c. 35.

his discretion, to extend a free or conditional pardon to any person imprisoned by virtue of the Act to which this Act is an amendment, although such person shall be imprisoned for non-payment of money to some party other than the Crown.

II. That in case any person convicted of any offence punishable upon summary conviction, by virtue of the Act to which this Act is an amendment, shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction under the sixty-third section of the said Act; in every such case he shall be released from all further or other proceedings for the same cause.

No. 3.
Act 4 Vic.
c. 27.

No. 3.—4 Vic. ch. 27. *An Act to amend 2 Vic. ch. 5.*
(25th February, 1841.)

PREAMBLE.

WHEREAS, it is expedient to amend so much of an Act, passed in the second year of your Majesty's reign, entitled, "An Act for consolidating and amending the Laws relative to Larceny, and other Offences connected therewith," as relates to the punishment of any person convicted of burglary, and so much of the same Act as relates to any person who shall rob any other person of any chattel, money, or valuable security, or who shall steal any such property from the person of another, or shall assault any other person with intent to rob him, or shall with menaces, or by force, demand any such property of any such other person, with intent to steal the same, and so much of the same Act as relates to any person who shall accuse, or threaten to accuse any other person of any infamous crime, with a view or intent to extort or gain from him, and who shall, by intimidating him by such accusation or threat, extort, or gain from him any chattel, money, or valuable security; and so much of the same Act as relates to the punishment of principals in the second degree, and of accessaries before and after the fact, respectively, to such of the felonies punishable under that Act, as are hereinbefore referred to; May it, &c., That so much of the said Act, as is hereinbefore referred to, shall continue in force until, and throughout, the twenty-eighth day of February, in the present year of our Lord, One thousand eight hundred and forty-one, and shall, from and after that day, be repealed, except as to offences committed before or upon the said twenty-eighth day of February, which shall be dealt with and punished as if this Act had not been passed.

This Act to come into operation from and after the 28th Feb. 1841.

Burglars using violence, to suffer death.

Punishment of Burglary.

Definition of night.

II. That whosoever shall burglariously break and enter into any dwelling-house, and shall assault with intent to murder any person being therein, or shall stab, cut, wound, beat, or strike, any such person, shall be guilty of felony, and being convicted thereof, shall suffer death.

III. That whosoever shall be convicted of the crime of burglary, shall be liable to be imprisoned for any term not exceeding four years.

IV. That so far as the same is essential to the offence of bur-

glary, the night shall be considered and is hereby declared to commence at seven of the clock in the evening of each day, and to conclude at five of the clock in the morning of the next succeeding day.

V. That whosoever shall rob any person, and at the time of or immediately before or immediately after such robbery shall stab, cut, or wound, any person, shall be guilty of felony, and being convicted thereof, shall suffer death.

VI. That whosoever shall, being armed with any offensive weapon or instrument, rob, or assault with intent to rob, any person, or shall together with one or more person or persons, rob, or assault with intent to rob any person, or shall rob any person, and at the time of, or immediately before or immediately after such robbery shall beat, strike, or use any other personal violence to any person, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

VII. That whosoever shall accuse or threaten to accuse any person of the abominable crime of buggery, committed either with mankind or with beast, or of any assault, with intent to commit the said abominable crime, or of any attempt or endeavour to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise or threat, to any person, whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent in any of the cases aforesaid to extort or gain from such person, and shall by intimidating such person by such accusation or threat, extort or gain from such person any property, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

VIII. That whosoever shall rob any person, or shall steal any property from the person of another, shall be liable to be imprisoned for any term not exceeding four years.

IX. That whosoever shall assault any person, with intent to rob, shall be guilty of felony, and being convicted thereof, shall (save and except in the cases where a greater punishment is provided by this Act) be liable to be imprisoned for any term not exceeding three years.

X. That whosoever shall, with menaces or by force, demand any property of any person, with intent to steal the same, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

XI. That in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable with death, or otherwise, in the same manner as the principal in the first degree is, by this Act, punishable; and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall, on conviction, be liable to be imprisoned for any term not exceeding two years.

XII. That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, within or without the walls of any lawful place of confinement within these

No. 3.
Act 4 Vic.
c. 27.

Punishment of Robbery attended with cutting, &c.

Punishment of Robbery attended with violence.

Punishment for obtaining property by threat, &c.

Punishment for robbing or stealing from the person.
Punishment for assaulting, with intent to rob.

Punishment for menacing, with intent to steal.

Accessaries, how punished.

Direction of the Court in cases of imprisonment.

No. 3.
Act 4 Vic.
c. 27.

Construction
of the word
"property."

Felonies with-
in the juris-
diction of the
Admiralty of
England, how
dealt with.

islands, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

XIII. That the word "property" shall, throughout this Act, be deemed to denote everything included under the words "chattel, money, or valuable security," used in the Act to which this Act is an amendment.

XIV. That when any felony punishable under this Act, shall be committed within the jurisdiction of the Admiralty of England, the same shall be dealt with, inquired of, tried, and determined, in these islands, as any other felony or misdemeanour committed within that jurisdiction.

XV. Act to commence on the first day of March, 1841.

No. 4.
Act 7 Vic.
c. 16.

PREAMBLE.

No. 4.—7 Vic. ch. 16. *An Act to explain 2 Vic. ch. 5.*
(7th February, 1844.)

Pecuniary
penalties im-
posed by the
2 Vic. c. 5, de-
clared to repre-
sent sterling
money.

WHEREAS, the various pecuniary penalties imposed by, and other sums of money mentioned in, an Act of the General Assembly of the islands, passed in the second year of your Majesty's reign, entitled "An Act for consolidating and amending the laws relative to larceny, and other offences connected therewith," were all intended to represent British sterling money, but inasmuch as at the time the said Act came into operation, such British sterling money was not the money of account of these islands, doubts have arisen from the wording of some of the sections of the said Act, as to whether the sums of money in such sections named can be held and construed to mean British sterling money, or whether they do not rather represent what was the current money of the colony at the time of the coming into operation of the said Act. For removal of all which doubts, May it, &c., That the several pecuniary penalties imposed by, and the several other sums of money mentioned in the said recited Act, are intended to and do represent British sterling money, being the now lawful and current money of these islands, anything contained in the said recited Act to the contrary notwithstanding.

CLASS V.

FORGERY.

No. 1.
Act 4 Vic.
c. 31.

Repeals certain
Acts.

No. 1.—4 Vic. ch. 31. *An Act to amend the Laws relative to Forgery.* (25th February, 1841.)

I. Repeals so much of declaratory Act, 40 Geo. 3, ch. 2, as declares the following Acts of Parliament to be in force, viz., 5 Eliz. ch. 14; 7 Geo. 2, ch. 22; and 2 Geo. 2, ch. 25; except so far as the last-mentioned Act relates to perjury, and subornation of perjury.

II. That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill, note, receipt, debenture, or other security, entitling or evidencing the title of any person or persons, or of any body corporate, to any share or interest in any public loan, stock, or fund, whether of the United Kingdom, or of any part of it, or of this or any other of Her Majesty's colonial possessions, or of any foreign state, colony, or possession, or in any fund of any body corporate, company, or society, or in any savings' or other bank or banks, or any indorsements on or assignment of any such bill, note, receipt, debenture, or other security, or any will, testament, codicil, or testamentary writing, or any bill of exchange, or any promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, or order for the payment of money, or any indorsement on or assignment of any bill of exchange, or promissory note, undertaking, warrant, or order for the payment of money, with intent, in any of the cases aforesaid, to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

III. That if any person shall wilfully make any false entry in, or wilfully alter any word or figure in any of the books of account, kept at the public bank of this colony, or shall in any manner wilfully falsify the account of any owner of any stock of such bank, or of any depositor of money in such Bank, with intent, in any of the cases aforesaid, to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

IV. That if any person shall forge or alter, or shall utter knowing the same to be forged or altered, any transfer of any share or interest of or in any public loan, stock, or fund, which now is or hereafter may be transferable or payable at the public bank or at the public treasury of these islands, or of or in the stock or funds of any body corporate, or of any company or society, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any power of attorney, or any other authority, to transfer any share or interest of or in any such public loan, stock, or fund, or other stock or fund as is hereinbefore mentioned, or to receive any dividend or interest money payable in respect of any such share or interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or interest money payable in respect thereof, by virtue of any such forged or altered power of attorney, or other authority, knowing the same to be forged or altered, with intent, in any of the several cases aforesaid, to defraud any person whatsoever, or if any person shall falsely and deceitfully personate any owner of any such share, interest, or dividend, as as aforesaid, and thereby transfer, or endeavour to transfer, any such share or interest belonging to such owner, or thereby receive or endeavour to receive any money due to such owner, as if such person was the true and lawful owner, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years.

V. That if any person shall forge the name or handwriting of any person, as or purporting to be a witness, attesting the execution of any power of attorney or other authority, to transfer any

No. 1.
Act 4 Vic.
c. 31.

Penalty for forging any note, bill, &c., with intent to defraud.

Penalty for wilfully making any false entry in books at the Public Bank.

Penalty for wilfully forging, &c., any public loan, stock, or fund, &c., &c.

Penalty for deceitfully personating the owner of any share, &c.

Penalty for forging the handwriting of a witness to

No. 1.
Act 4 Vic.
c. 31.

power of
attorney.

Penalty
for wilfully
forging any
deed, &c.

Penalty for the
unauthorized
acknowledg-
ments of a
recognizance.

Penalty for the
unauthorized
engraving any
Bill of Ex-
change.

share or interest of or in any such stock, annuity, public fund, or capital stock, as is hereinbefore mentioned, or to receive any dividend payable in respect of any such share or interest, or shall utter any such power of attorney or other authority, with the name or handwriting of any person forged thereon as an attesting witness, knowing the same to be forged, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding two years.

VI. That if any person shall forge or alter, or shall offer, utter, dispose of, or put off, knowing the same be forged or altered, any deed, bond, or writing, obligatory, or any acquittance or receipt, either for money or goods, or for any note, bill, or other security for payment of money, or any warrant, order, or request for the delivery or transfer of goods, or for the delivery of any note, bill, or other security for the payment of money, with intent to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof, shall be imprisoned for any term not exceeding four years.

VII. That if any person shall, before any Court, Judge, or other person lawfully authorized to take any recognizance of bail, acknowledge any recognizance of bail, in the name of any other person not privy or consenting to the same, whether such recognizance of bail in either case be or be not filed; or if any person shall, in the name of any other person not privy or consenting to the same, acknowledge any fine, recovery, *cognovit actionem*, or judgment, or any deed to be enrolled, every such offender shall be guilty of felony, and being convicted thereof, shall be imprisoned for any term not exceeding four years.

VIII. That if any person shall engrave, or in anywise make upon any plate whatsoever, or upon any wood, stone, or other material, any bill of exchange, or promissory note, for the payment of money, or any part of any bill of exchange, or promissory note, for the payment of money, purporting to be the bill or note, or part of the bill or note of any person or persons, body corporate, or mercantile company, without the authority of such person or persons, body corporate or company, the proof of which authority shall lie on the party accused, or if any person shall engrave, or make upon any plate whatever, or upon any wood, stone, or other material, any word or words resembling, or apparently intended to resemble, any subscription subjoined to any bill of exchange or promissory note, for the payment of money issued by any such person or persons, body corporate, or company carrying on the business of bankers without such authority, to be proved as aforesaid; or if any person shall, without such authority, to be proved as aforesaid, use, or shall without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession, any plate, wood, stone, or other material, upon which any such bill or note, or part thereof, or any word or words resembling, or apparently intended to resemble, such subscription, shall be engraved or made: or if any person shall, without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of, or put off, or shall, without lawful excuse to be proved as aforesaid, knowingly have in his custody or possession any paper upon which any part of such bill or note, or any word or words resembling, or apparently intended to resemble any such subscription shall be made or printed:

every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding three years.

IX. That when any person shall be convicted of any offence punishable under this Act, it shall be lawful for the Court to sentence the offender to be imprisoned with or without hard labour, within or without the walls of any lawful prison within these islands, and also to direct that the offender shall be kept in solitary confinement, for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year as to the Court in its discretion shall seem meet.

X. That where the having any matter in the custody or possession of any person, is in this Act expressed to be an offence, if any person shall have such matter in his personal custody or possession, or shall knowingly and wilfully have any such matter in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use, or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession, within the meaning of this Act, and where the committing any offence with intent to defraud any person whatsoever is made punishable by this Act, in every such case the word "person," shall, throughout this Act, be deemed to include Her Majesty, or any foreign prince or state, or any body corporate, or any company or society of persons not incorporated, or any person or number of persons whatsoever who may be intended to be defrauded by such offence, whether such body corporate, company, society, person, or number of persons whatsoever, who may be intended to be defrauded by such offence, shall reside or carry on business within these islands or elsewhere, in any place or country, whether under the dominion of Her Majesty or not; and it shall be sufficient in any indictment to name one person only of such company, society, or number of persons, and to allege the offence to have been committed with intent to defraud the person so named and another, or others, as the case may be.

XI. Act to commence on the thirty-first day of March, 1841.

No. 1.
Act 4 Vic.
c. 31.

Discretion as
to punishment
of offenders.

Definition of
the terms "cus-
tody," "per-
son."

CLASS VI.

SLANDER.

No. 1.—ORDINANCE No. 6 of 1856.

An Ordinance to amend the Law of Slander. (Passed 22nd July, 1856. Confirmed 11th December, 1856.)

No. 1.
Ord. No. 6,
1856.

WHEREAS the imputation of incontinency (except in cases where it is the cause of some actual damage of a temporal nature) is not the subject of an action at Common Law, but a matter exclusively belonging to the jurisdiction of the Ecclesiastical Court: And whereas, there is no such Ecclesiastical Court in this colony;

PREAMBLE.

No. 1.
Ord. No 6,
1856.

and therefore such an imputation, although calculated in many cases to inflict on innocent persons grievous wrongs, and for which they can at present have no redress: And whereas, it is necessary that protection should be afforded to the character of individuals, as well from false and malicious imputations of the nature before mentioned, as from any other slander or libel; May it, &c., That from henceforth any false, scandalous, and malicious imputation of incontinency shall, and may form, a ground for an action at law, and shall also render the person making the same liable to be proceeded against in all respects as persons charged with libel or slander may now be.

CLASS VII.

CRIMINAL PROCEEDINGS IN SUPERIOR COURTS.

No. 1.
Act 4 W. 4,
c. 25.

No. 1.—4 Wm. 4, ch. 25. *An Act for improving the Administration of Criminal Justice in these islands, for suspending certain Acts therein mentioned, and for other purposes.* (February 15th, 1834.)

I. II. & III. Sections of this Act relating to the taking of bail by Justices of the Peace in cases of felony, and the taking of examinations and informations in cases of felonies and misdemeanours, and binding persons by recognizance to prosecute and give evidence, are repealed by Ordinance No. 4, 1855.

Coroner to put in writing the evidence taken by him before a Jury.

IV. That every Coroner upon any inquisition before him taken whereby any person shall be indicted for manslaughter or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as shall be material, and shall have authority to bind, by recognizance, all such persons as know or declare anything material, touching the said manslaughter or murder, or the said offence, of being accessory to murder, to appear at the next sitting of the Supreme Court, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the same evidence, and all such recognizances and also the inquisition before him taken, and shall deliver the same to the proper officer of the said Court.

Justices and Coroners may be tried for neglect at the discretion of the Judges of the Supreme Court.

V. That if any Justice or Coroner shall offend in anything contrary to the true intent and meaning of these provisions, the Court, to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition, ought to have been delivered, shall, upon examination and proof of the offence, in a summary manner, set such fine upon every such Justice or Coroner, as the Court shall think meet.

Punishment of accessories before the fact to felony, for counselling, procuring, &c., another to commit a felony.

VI. And for the more effectual prosecution of accessories before the fact of felony; Be it, &c., That if any person shall counsel, procure, or command any other person to commit any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made or to be made, the person so counselling, procuring or commanding, shall be deemed guilty of felony, and may be indicted and convicted, either as an accessory before the fact to the principal felony, together with the principal felon, or

after the conviction of the principal felon, or may be indicted and convicted of a substantive felony; whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to Justice, and may be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory may be punished; and the offence of the person so counselling, procuring, or commanding, howsoever indicted, may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place as the principal felony, although such offence may have been committed either on the high seas or at any place on land, whether within His Majesty's dominions or without: Provided always, That no person who shall be once tried for any such offence, whether as an accessory before the fact or as for a substantive felony, shall be liable to be again indicted or tried for the same offence.

VII. And for the more effectual prosecution of accessories after the fact to felony; Be it, &c., That if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any statute or statutes made or to be made, the offence of such person may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if the Act, by reason whereof such person shall have become an accessory, had been committed at the same place as the principal felony, although such Act may have been committed either on the high seas, or at any place on land, whether within His Majesty's dominions or without: Provided always, That no person who shall be once duly tried for any offence of being an accessory, shall be liable to be again indicted or tried for the same offence.

VIII. And in order that all accessories may be convicted and punished in cases where the principal felon is not attained; Be it, &c., That if any principal offender shall be in anywise convicted of any felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal felon had been attained thereof, notwithstanding such principal felon shall die, or be admitted to the benefit of clergy, or pardoned, or otherwise delivered before attainder: and every such accessory shall suffer the same punishment, if he or she be in anywise convicted, as he or she should have suffered, if the principal had been attained.

IX. And in order to remove the difficulty of stating the names of all the owners of property in the case of partners and other joint owners; Be it, &c., That in any indictment or information for any felony or misdemeanour, wherein it shall be requisite to state the ownership of any property whatsoever, whether real or personal, which shall belong to, or be in the possession of, more than one person, whether such persons be partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another, or others, as the case may be: and whenever, in any indictment or information for any felony or misdemeanour, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid: and this

No. 1.
Act 4 W. 4,
c. 25.

Punishment of
accessories
after the fact
to any felony.

Accessories
may be con-
victed and
punished where
the principal
is not attained.

One of the
owners is suf-
ficient to be
named in any
indictment to
state the own-
ership.

No. 1.
Act 4 W. 4,
c. 25.

Abuses from
dilatatory pleas
prevented.

The escape of
offenders from
technical niceties
prevented.

No judgment
to be stayed or
reversed for
any misnomer,
&c.

Certain forms
dispensed with.

Persons plead-
ing "Not
Guilty," to be
put on trial.

provision shall be construed to extend to all Joint Stock Companies and trustees.

X. And for preventing abuses from dilatatory pleas; Be it, &c., That no indictment or information shall be abated by reason of any dilatatory plea of misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied, by affidavit or otherwise of the truth of such plea; but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatatory plea had been pleaded.

XI. And that the punishment of offenders may be less frequently intercepted in consequence of technical niceties; Be it, &c., That no judgment upon any indictment or information for any felony or misdemeanour, whether after verdict or outlawry, or by confession, default, or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words, "with force and arms," or of the words, "against the Peace," nor for the insertion of the words, "against the form of the Statute," instead of the words, "against the form of the Statutes," or *vice versa*, nor for that any person or persons mentioned in the indictment or information is or are designated by a name of office, or other descriptive appellation, instead of his, her, or their proper name or names, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect *venue*, where the Court shall appear by the indictment or information to have had jurisdiction over the offence.

XII. That no judgment, after verdict upon any indictment or information for any felony or misdemeanour, shall be stayed or reversed for want of a *similitur*, nor by reason that the jury process has been awarded to a wrong officer, upon an insufficient suggestion, nor for any misnomer or mis-description of the officer returning such process, or of any of the jurors, nor because any person has served upon the jury who has not been returned as a juror by the Provost Marshal or other officer: and that where the offence charged has been created by any statute, or subjected to a greater degree of punishment, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute.

XIII. And whereas trials for criminal offences within these islands are attended with some forms which frequently impede the due administration of justice, and it is therefore expedient to abolish such forms, and also to abolish the benefit of clergy, and to make better provision for the punishment of offenders in certain cases; Be it, &c., That if any person not having privilege of peerage, being arraigned upon any indictment for treason, felony, or piracy, shall plead thereto a plea of "Not Guilty," he shall, by such plea, without any further form, be deemed to have put himself on the country for trial, and the Court shall, in the usual manner, order a jury for the trial of such person accordingly.

XIV. That if any person being arraigned upon or charged with any indictment or information for treason, felony, piracy, or misdemeanour, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "Not Guilty" on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

XV. That if any person indicted for any treason, felony, or piracy, shall challenge, peremptorily, a greater number of the men returned to be of the jury than twenty in any of the said cases, every peremptory challenge beyond that number, in any of the said cases, shall be entirely void, and that the trial of such person shall proceed as if no such challenge had been made.

XVI. That no plea, setting forth any attainder, shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment.

XVII. That where any person shall be indicted for treason or felony, the jury empanelled to try such person shall not be charged to inquire concerning his lands, tenements, or goods, nor whether he fled for such treason or felony.

XVIII. That benefit of clergy, with respect to persons convicted of felony shall be abolished; but that nothing herein contained shall prevent joinder in any indictment of any counts which might have been joined before the passing of this Act.

XIX. That no person convicted of felony shall suffer death unless it be for some felony which was excluded from the benefit of clergy, before or on the first day of the present Session of Assembly, or which hath been, or shall be made punishable with death by some Act or Statute passed after that day.

XX. That every person convicted of any felony not punishable with death shall be punished, in the manner prescribed by the statute or statutes specially relating to such felony; and that every person convicted of any felony, for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years; and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

XXI. And with regard to the place and mode of imprisonment for all offences punishable under this Act; Be it, &c., That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for the whole or any portion or portions of such imprisonment, or of such imprisonment with hard labour, as to the Court, in its discretion, shall seem meet.

XXII. That wherever sentence shall be passed for felony on a person already imprisoned under sentence for another crime, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and

No. 1.
Act 4 W. 4,
c. 25.

Persons standing mute, the Court may record a plea of "Not Guilty," and proceed to trial.

In indictments for treason, &c. not more than twenty persons may be challenged.

Duty of Jury relative to the lands, &c., of Felons.

Benefit of Clergy to Felons abolished.

When Felons are not to suffer death.

How persons convicted of any Felony not punishable with death are to be punished.

Place and mode of imprisonment for offences under this Act.

Punishment of Felons imprisoned under sentence for another crime.

No. 1.
Act 4 W. 4,
c. 25.

Exemplary
punishment of
Felons who
commit Felony
after a previous
conviction pro-
vided for.

where such person shall be already under sentence of imprisonment, the Court may award such sentence for the subsequent offence to commence at the expiration of the imprisonment to which such person shall have been previously sentenced, although the aggregate term of imprisonment may exceed the term for which those punishments could be otherwise awarded.

XXIII. And whereas, it is expedient to provide for the more exemplary punishment of offenders who commit felony after a previous conviction for felony, whether such previous conviction shall have taken place before or after the commencement of this Act; Be it, &c., That if any person shall be convicted of any felony, not punishable with death, committed after a previous conviction for felony, such person shall, on such subsequent conviction, be liable, at the discretion of the Court, to be imprisoned for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment; and in any indictment for any such felony committed after a previous conviction for felony, it shall be sufficient to state that the offender was at a certain time and place convicted of a felony, without otherwise describing the previous felony: and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony, purporting to be signed by the clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any such clerk, officer, or deputy shall utter a false certificate of any indictment and conviction for a previous felony, or if any person other than such clerk, officer, or deputy shall sign any such certificate as such clerk, officer, or deputy, or shall utter any such certificate, with a false or counterfeit signature thereto, every such offender shall be guilty of felony, and being lawfully convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding two years; and if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

XXIV. That all offences prosecuted in the Court of Vice-Admiralty Sessions in these islands shall, upon every first and subsequent conviction, be subject to the same punishments, whether of death or otherwise, as if such offences had been committed upon the land.

XXV. That when the King's Majesty shall be pleased to extend his royal mercy to any offender convicted of any felony punishable with death or otherwise, and by warrant under his royal sign-manual, or the sign-manual of the President, or other officer administering this Government in His Majesty's name, shall grant to such offender either a free or conditional pardon, the discharge of such offender out of custody, in the case of a free pardon, and the performance of the condition, in the case of a conditional pardon, shall have the effect of a pardon under the Great Seal for such offender, as to the felony for which such pardon shall be so granted: Provided always, That no free pardon, nor any such discharge in

In case of
pardon by the
Crown or
President.

Pardon not to
affect subse-
quent convic-

consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any felony committed after the granting of any such pardon.

XXVI. That wherever this or any other statute relating to any offence, whether punishable upon indictment, information or summary conviction, in describing or referring to the offence, or the subject matter with respect to which it shall be committed, or the offender, or the party affected, or intended to be affected by the offence, hath used, or shall use words importing the singular number or the masculine gender only, yet the statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction, and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where such body shall be the party aggrieved.

XXVII. Suspends part of Declaratory Act, 40 Geo. 3, c. 2.

No. 1.
Act 4 W. 4,
c. 25.

tions for Felony.
Statute applicable whether expressed in the singular or plural number, and shall, though not expressed, be held to refer to females as well as males, and to bodies corporate as well as to individuals.

No. 2.—4 Vic. ch. 30. *Declares the following Acts of Parliament relating to criminal proceedings to be in force in the Colony.*

4 Geo. 4, ch. 48. An Act for enabling Courts to abstain from pronouncing sentence of death in certain capital felonies.

9 Geo. 4, ch. 32. An Act for amending the law of evidence in certain cases.

6 & 7 Wm. 4, ch. 111. An Act to prevent the fact of a previous conviction being given in evidence to the jury on the case before them, except when evidence to character is given.

6 & 7 Wm. 4, ch. 114. An Act for enabling persons indicted of felony to make their defence by counsel or attorney.*

No. 2.
Act 4 Vic.
c. 30.

No. 3.—8 Vic. ch. 4. *An Act to authorize the mitigation of pecuniary penalties in certain cases.* (11th February, 1845.)

See this Act in extenso, *post*, Class XI. of this part, No. 1. ^a

No. 3.
Act 8 Vic.
c. 4.

No. 4.—*Act of Parliament, 12 & 13 Vic. ch. 96. An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty.* (1st August, 1849.)

No. 4.
Act of Parl.
12 & 13 Vic.
c. 96.

WHEREAS by an Act passed in the eleventh year of the reign of King William the Third, entitled "An Act for the more effectual Suppression of Piracy," it is enacted, that all piracies,

10 and 11 W. 3,
c. 7.

* So much of the 4 Vic. c. 30, as declares the 2nd, 3rd, and 4th sections of this Act to be in force in the Colony, is repealed by Ord. No. 4, 1855.

No. 4.
Act of Parl.
12 & 13 Vic.
c. 96.

46 G. 3, c. 54.

All persons charged in any Colony with offences committed on the Sea, may be dealt with in the same manner as if the offences had been committed on waters within the local jurisdiction of the Courts of the Colony.

Persons convicted of such offences shall

felonies, and robberies committed on the sea, or in any haven, river, creek, or place, where the Admiral or Admirals have power, authority, or jurisdiction, may be examined, inquired of, tried, heard, and determined, and adjudged, in any place at sea or upon the land in any of His Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose by the King's Commission, in the manner therein directed, and according to the civil law and the method and rules of the Admiralty: And whereas by an Act passed in the forty-sixth year of the reign of King George the Third, entitled "An Act for the speedy Trial of Offences committed in distant Parts upon the Sea," it is enacted, that all treasons, piracies, felonies, robberies, murders, conspiracies, and other offences of what nature or kind soever, committed upon the sea, or in any haven, river, creek, or place where the Admiral or Admirals have power, authority, or jurisdiction, may be inquired of, tried, heard, determined, and adjudged, according to the common course of the laws of this realm used for offences committed upon the land within this realm, and not otherwise, in any of His Majesty's islands, plantations, colonies, dominions, forts, or factories under and by virtue of the King's Commission or Commissions under the Great Seal of Great Britain, to be directed to Commissioners in the manner and with the powers and authorities therein provided: And whereas it is expedient to make further and better provision for the apprehension, custody, and trial in Her Majesty's islands, plantations, colonies, dominions, forts, and factories of persons charged with the commission of such offences on the sea, or in any such haven, river, creek, or place as aforesaid; Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that if any person within any colony shall be charged with the commission of any treason, piracy, felony, robbery, murder, conspiracy, or other offence, of what nature or kind soever, committed upon the sea, or in any haven, river, creek, or place where the Admiral or Admirals have power, authority, or jurisdiction, or if any person charged with the commission of any such offence upon the sea, or in any such haven, river, creek, or place shall be brought for trial to any colony, then and in every such case all Magistrates, Justices of the Peace, public prosecutors, juries, judges, courts, public officers, and other persons in such colony shall have and exercise the same jurisdiction and authorities for inquiring of, trying, hearing, determining, and adjudging such offences, and they are hereby respectively authorized, empowered, and required to institute and carry on all such proceedings for the bringing of such person so charged as aforesaid to trial, and for, and auxiliary to and consequent upon the trial of any such person for any such offence wherewith he may be charged as aforesaid, as by the law of such colony would and ought to have been had and exercised or instituted and carried on by them respectively if such offence had been committed, and such person had been charged with having committed the same, upon any waters situate within the limits of any such colony, and within the limits of the local jurisdiction of the Courts of Criminal Justice of such colony.

II. Provided always, and be it enacted, That if any person shall be convicted before any such Court of any such offence, such person

so convicted shall be subject and liable to and shall suffer all such and the same pains, penalties, and forfeitures as by any law or laws now in force persons convicted of the same respectively would be subject and liable to in case such offence had been committed, and were inquired of, tried, heard, determined, and adjudged, in England, any law, statute, or usage to the contrary notwithstanding.

III. And be it enacted, That where any person shall die in any colony, of any stroke, poisoning, or hurt, such person having been feloniously stricken, poisoned, or hurt upon the sea, or in any haven, river, creek, or place where the Admiral or Admirals have power, authority, or jurisdiction, or at any place out of such colony, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in such colony in the same manner in all respects as if such offence had been wholly committed in that colony; and that if any person in any colony shall be charged with any such offence as aforesaid in respect of the death of any person who, having been feloniously stricken, poisoned, or otherwise hurt, shall have died of such stroke, poisoning, or hurt upon the sea, or in any haven, river, creek, or place where the Admiral or Admirals have power, authority, or jurisdiction, such offence shall be held for the purpose of this Act to have been wholly committed upon the sea.

IV. Provided also, and be it enacted, That nothing in this Act contained shall in any way affect or abridge the jurisdiction of the Supreme Courts of New South Wales and Van Diemen's Land, as established by an Act passed in the ninth year of the reign of King George the Fourth, entitled "An Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto.

V. And be it enacted, That for the purposes of this Act the word "Colony" shall mean any island, plantation, colony, dominion, fort, or factory of Her Majesty, except any island within the United Kingdom, and the Islands of Man, Guernsey, Jersey, Alderney, and Sark, and the islands adjacent thereto respectively, and except also all such parts and places as are under the Government of the East India Company; and the word "President" shall mean the officer for the time being administering the Government of any colony.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

No. 4.
Act of Parl.
12 & 13 Vic.
c. 96.

suffer the like
punishments
as on conviction of like offences in England.

Provision for
the trial of
murder and
manslaughter,
where the
death only
happens in the
Colony or upon
the Sea.

Jurisdiction of
the Supreme
Courts of New
South Wales
and Van Diemen's Land
preserved.
9 G. 4, c. 83.

Interpretation
of terms.

Act may be
amended, &c.

No. 5.—ORDINANCE No. 13 of 1852.

An Ordinance for further improving the administration of Criminal Justice. (Passed 12th November, 1852. Assented to 1st August, 1853.)

No. 5.
Ord. No. 13,
1852.

WHEREAS offenders frequently escape conviction on their trials by reason of the technical strictness of criminal pro- PREAMBLE.

No. 5.
Ord. No. 13,
1852.

ceedings in matters not material to the merits of the case; and, whereas, such technical strictness may safely be relaxed in many instances, so as to insure the punishment of the guilty without depriving the accused of any just means of defence;—and whereas, a failure of justice often takes place on the trial of persons charged with felony and misdemeanour, by reason of variances between the statement in the information on which the trial is had and the proof of names, dates, matters, and circumstances therein mentioned not material to the merits of the case, and by the misstatement whereof the person on trial cannot have been prejudiced in his defence; May it, &c.

Criminal information may be amended at time of trial in certain cases,

I. That whenever, on the trial of any information for any felony or misdemeanour, there shall appear to be any variance between the statement in such information and the evidence offered in proof thereof, in the name of any island, parish, township, or place mentioned or described in any such information, or in the name or description of any person or persons, or body politic or corporate, therein stated or alleged to be the owner or owners of any property, real or personal, which shall form the subject of any offence charged therein; or in the name or description of any person or persons, body politic or corporate, therein stated or alleged to be injured or damaged, or intended to be injured or damaged, by the commission of such offence, or in the Christian name or surname, or both Christian name and surname, or other description whatsoever of any person or persons whomsoever therein named or described, or in the name or description of any matter or thing whatsoever therein named or described, or in the ownership of any property named or described therein, it shall and may be lawful for the Court before which the trial shall be had, if it shall consider such variance not material to the merits of the case, and that the defendant cannot be prejudiced thereby in his defence on such merits, to order such information to be amended according to the proof, by some officer of the Court, or other person, both in that part of the information where such variance occurs, and in every other part of the information which it may become necessary to amend on such terms, as to postponing the trial to be had by the same or another jury as such Court shall think reasonable; and after any such amendment, the trial shall proceed, whenever the same shall be proceeded with, in the same manner in all respects, and with the same consequences, both with respect to the liability of witnesses to be prosecuted for perjury and otherwise, as if no such variance had occurred, and the order for the amendment shall be either endorsed on the information, or shall be engrossed on a separate piece of paper, and filed, together with the information among the records of the Court: Provided that in all such cases, where the trial shall be so postponed, as aforesaid, it shall be lawful for the Court to respite the recognizances of the prosecutor and witnesses, and of the defendant, and his surety or sureties, if any, accordingly; in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence, respectively, and the defendant shall be bound to attend to be tried, at the time and place to which such trial shall be postponed, without entering into any fresh recognizances for that purpose, in such and the same manner as if they were originally bound by their recognizances to appear and prosecute, or give evidence at the time and

And trial postponed.

Proviso respecting recognizances.

place to which such trial shall have been postponed: Provided, also, that where any such trial shall be to be had before another jury, the Crown and the defendant shall respectively be entitled to the same challenges as they were respectively entitled to before the first jury were sworn.

No. 5.
Ord. No. 13,
1852.

II. That every verdict and judgment which shall be given after the making of any amendment under the provisions of this Ordinance, shall be of the same force and effect in all respects as if the information had originally been in the same form in which it was after such amendment was made.

Effect of verdict after amendment.

III. That if it shall become necessary at any time, for any purpose whatsoever, to draw up a formal record in any case where any amendment shall have been made under the provisions of this Ordinance, such record shall be drawn up in the form in which the information was, after such amendment was made, without taking any notice of the fact of such amendment having been made.

As to form of Record in such case.

IV. That in any information for murder or manslaughter, preferred after the coming of this Ordinance into operation, it shall not be necessary to set forth the manner in which, or the means whereby, the death of the deceased was caused; but it shall be sufficient in every information for murder, to charge that the defendant did feloniously, wilfully, and of his malice aforethought, kill and murder the deceased; and it shall be sufficient in every information for manslaughter, to charge that the defendant did feloniously kill and slay the deceased.

Unnecessary in information for Murder, &c., to state how effected, &c.

V. That in any information for forging, uttering, stealing, embezzling, destroying, or concealing, or for obtaining by false pretences any instrument, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same, or the value thereof.

In cases of Forgery, &c., how the instrument may be described.

VI. That in any information for engraving, or making the whole or any part of any instrument, matter, or thing whatsoever, or for rising, or having the unlawful possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever shall have been engraved or made, or for having the unlawful possession of any paper upon which the whole or any part of any matter, instrument, or thing whatsoever shall have been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out any copy or fac-simile of the whole, or any part of such instrument, matter, or thing.

Proceedings on informations for engraving, &c.

VII. That in all other cases, wherever it shall be necessary to make any averment, in any information as to any instrument, whether the same consists wholly or in part of writing, print, or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile of the whole, or any part thereof.

How any instrument of writing may be described.

VIII. That from and after the coming of this Ordinance into operation, it shall be sufficient in any information for forging, uttering, offering, disposing of, or putting off any instrument whatsoever, or for obtaining, or attempting to obtain any property

In cases of Forgery, &c., sufficient to aver that Defendant did so with intent to defraud.

No. 5.
Ord. No. 13,
1852.

On information charging the actual commission of Crime, the offender may be convicted of the attempt to commit the offence charged.

On information for Robbery, the jury may find a verdict for assault with intent to Rob.

If on information for misdemeanour, it appear that the defendant is guilty of a Felony, he shall not be acquitted of the Misdemeanour, but liable to be tried for Felony.

On information for Embezzlement, defendant may be found guilty of Larceny.

by false pretences, to allege that the defendant did the act with intent to defraud, without alleging the intent of the defendant to be to defraud any particular person; and on the trial of any of the offences in this section mentioned, it shall not be necessary to prove an intent on the part of the defendant to defraud any particular person, but it shall be sufficient to prove that the defendant did the act charged with intent to defraud.

IX. And whereas offenders often escape conviction, by reason that such parties ought to have been charged with attempting to commit offences, and not with the actual commission thereof; for remedy thereof, be it ordained that, if on the trial of any person charged with any felony or misdemeanour, it shall appear to the jury, upon the evidence, that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not, by reason thereof, be entitled to be acquitted; but the jury shall be at liberty to return, as their verdict, that the defendant is not guilty of the felony or misdemeanour charged, but is guilty of an attempt to commit the same; and, thereupon, such person shall be liable to be punished in the same manner as if he had been convicted upon an information for attempting to commit the particular felony or misdemeanour charged in the said information; and no person, so tried, as herein lastly mentioned, shall be liable to be afterwards prosecuted for an attempt to commit the felony or misdemeanour for which he was so tried.

X. That if upon the trial of any person, upon an information for robbery, it shall appear to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not, by reason thereof, be entitled to be acquitted; but the jury shall be at liberty to return as their verdict, that the defendant is guilty of an assault with intent to rob; and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an information for feloniously assaulting with intent to rob; and no person so tried, as is herein lastly mentioned, shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried.

XI. That if upon the trial of any person for any misdemeanour, it shall appear that the facts given in evidence amount in law to a felony, such person shall not, by reason thereof, be entitled to be acquitted of such misdemeanour; and no person tried for such misdemeanour shall be liable to be afterwards prosecuted for felony on the same facts, unless the Court before which such trial may be had shall think fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be prosecuted for felony; in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanour.

XII. That if upon the trial of any person, upon any information for embezzlement, as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, it shall be proved that he took the property in question, in any such manner as to amount in law to larceny, he shall not, by reason thereof, be entitled to be acquitted; but the jury shall be at liberty to return as their verdict, that such person is not guilty of embezzlement,

but is guilty of simple larceny, or of larceny as a clerk, servant, or person employed for the purpose, or in the capacity of a clerk or servant, as the case may be; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for such larceny; and if upon the trial of any person for larceny it shall be proved that he took the property in question in any such manner as to amount in law to embezzlement, he shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict, that such person is not guilty of larceny, but is guilty of embezzlement, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for such embezzlement; and no person so tried for embezzlement or larceny, as aforesaid, shall be liable to be afterwards prosecuted for larceny or embezzlement upon the same facts.

No. 5.
Ord. No. 13,
1852.

XIII. That if upon the trial of two or more persons prosecuted for jointly receiving any property, it shall be proved that one or more of such persons separately received any part of such property, it shall be lawful for the jury to convict such of the said persons as shall be proved to have received any part of such property.

Persons charged with jointly receiving property.

XIV. And whereas it frequently happens that the principal in a felony is not in custody, or amenable to justice, although several accessaries to such felony, or receivers at different times of stolen property, the subject of such felony may be in custody, or amenable to justice, for the prevention of several trials; be it ordained, that any number of such accessaries or receivers may be charged with substantive felonies, in the same information, notwithstanding the principal felon shall not be included in the same information, or shall not be in custody, or amenable to justice.

Several accessaries may be charged in the same information.

XV. That it shall be lawful to insert several counts in the same information against the same person, for any number of distinct acts of stealing, not exceeding three, which may have been committed by him against the same person within the space of six calendar months from the first to the last of such acts, and to proceed thereon for all or any of them.

Three acts of stealing from one person may be included in one information, if committed within six months.
Information for Larceny of property stolen at several times.

XVI. That if upon the trial of any information for larceny, it shall appear that the property alleged in such information to have been stolen at one time was taken at different times, the prosecutor shall not, by reason thereof, be required to elect upon which taking he will proceed, unless it shall appear that there were more than three takings, or that more than the space of six calendar months elapsed between the first and last of such takings; and in either of such last-mentioned cases, the prosecutor shall be required to elect to proceed for such number of takings, not exceeding three, as appear to have taken place within the period of six calendar months from the first to the last of such takings.

XVII. That in every information in which it shall be necessary to make any avowment as to any money, or any note of the Bank of England, or any other bank, it shall be sufficient to describe such money or bank-note, simply as money, without specifying any particular coin or bank-note; and such allegation, so far as regards the description of the property, shall be sustained by proof of any amount of coin or of any bank-note, although the particular species of coin of which such amount was composed,

Mode of describing money, &c., in an information.

No. 5.
Ord. No. 13,
1852.

Order for pro-
secution for
Perjury.

or the particular nature of the bank-note, shall not be proved; and in cases of embezzlement, and obtaining money or bank-notes by false pretences, by proof that the offender embezzled or obtained any piece of coin or any bank-note, or any portion of the value thereof, although such piece of coin or bank-note may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, or to any other person, and such part shall have been returned accordingly.

XVIII. That it shall and may be lawful for the Judges or Judge of any of the superior Courts of Common Law or Equity, or for any of her Majesty's Justices or Commissioners of Oyer and Terminer, or gaol delivery, or for any Commissioner of Bankruptcy, or Insolvency, or for the Judge or Acting Judge of the Police Court of Grand Turk, or for any Justice or Justices of the Peace sitting for the hearing, trial, and determination of offences, punishable on summary conviction, or for the hearing, trial, and determination of any case or cases of debt, trespass, or other case, on which Justices of the Peace have the power to adjudicate under the authority of any Act of Parliament, or of the General Assembly of the Bahama Islands in force within these islands, or of any Ordinance made and passed by the President and Council of these islands, in case it shall appear to him or them that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, deposition, examination, answer, or other proceeding made or taken before him or them, to direct such person to be prosecuted for such perjury, in case there shall appear to him or them a reasonable cause for such prosecution; and to commit such person so directed to be prosecuted until the next meeting of the Supreme Court of these islands, or until the next session of Oyer and Terminer, or gaol delivery, unless he shall enter into recognizance, with good and sufficient security, that he will then and there surrender himself and take his trial, and not depart the Court without leave; and to require any person, he or they may think fit to enter into a recognizance conditioned to prosecute, or give evidence against such person so directed to be prosecuted as aforesaid; and to give to the party so bound to prosecute a certificate of the same being directed, which certificate shall be given without any fee or charge, and shall be deemed sufficient proof of such prosecution having been directed as aforesaid: Provided always that no such direction or certificate shall be given in evidence upon any trial to be had against any person upon a prosecution so directed as aforesaid.

Mode of
charging of-
fence in in-
formation for
Perjury.

XIX. That in every information for perjury, or for unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly taking, making, signing, or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court, and before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing was taken, made, signed, or subscribed, without setting forth the bill, answer, information, declaration, or any part of any proceeding, either in law or equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

XX. That in every information for subornation of perjury, or for corrupt bargaining, or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing, or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously, or corruptly to take, make, sign, or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, wherever such perjury or other offence aforesaid shall have been actually committed, to allege the offence of the person who actually committed such perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the defendant, unlawfully, wilfully, and corruptly did cause and procure the said person, the said offence, in manner and form aforesaid, to do and commit; and whenever such perjury or other offence aforesaid shall not have been actually committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered necessary to be set forth or averred in the case of wilful and corrupt perjury.

XXI. That no information for any offence shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears by the record," or of the words, "with force and arms," or of the words, "against the peace," nor for the insertion of the words, "against the form of the statute," instead of "against the form of the statutes," or *vice versa*; nor for that any person mentioned in the information is designated by a name of office or other descriptive appellation instead of his proper name; nor for omitting to state the time at which the offence was committed, in any case where time is not the essence of the offence; nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the filing of the information, or on an impossible day, or on a day that never happened; nor for want of a proper or perfect venue; nor for want of a proper or formal conclusion; nor for want of or imperfection in the addition of any defendant; nor for want of the statement of the value or price of any matter or thing; or the amount of damage, injury, or spoil in any case where the value or price or the amount of damage, injury, or spoil is not the essence of the offence; nor for any variance between the offence charged in such information and the offence for which the accused was committed or held to bail; nor for any variance from the form prescribed by the Act of the General Assembly of the Bahama Islands, passed in the eleventh year of Her present Majesty's reign, chapter twenty-one,—“for the better regulation of trial by jury.”

XXII. That every objection to any information for any formal defect, apparent upon the face thereof, shall be taken by demurrer or motion to quash such information before the jury shall be sworn, and not afterwards; and every Court before which any such objection shall be taken for any formal defect may, if it be thought necessary, cause the information to be forthwith amended in such particular, by some officer of the Court or other person; and thereupon the trial shall proceed as if no such defect had appeared.

XXIII. That no person prosecuted shall be entitled to traverse or postpone the trial of any information exhibited against him at

No. 5.
Ord. No. 13,
1852.

Mode of
charging persons accused
of subornation
of Perjury.

Information
not to be held
insufficient for
want of technical
expressions.

Mode of taking
objections to
informations.

No right to
traverse or
postpone trials

No. 5.
Ord. No. 13,
1852.

without the
sanction of
the Court.

Mode of plead-
ing previous
conviction or
acquittal.

Certain offences
declared to be
misdemeanour.

How punished.

Penalty for
administering
certain drugs
with unlawful
intent.

Penalty for
inflicting any
grievous bodily
harm on any
person.

On information
for feloniously
Cutting, &c. &c.
Jury may find
as in cases of
misdemeanour
for Cutting, &c.

any meeting of the Supreme Court, or Session of Oyer and Terminer, or Gaol delivery: Provided always that if the Court, upon the application of the person so prosecuted, shall be of opinion that he ought to be allowed a further time either to prepare for his defence or otherwise, such Court may adjourn the trial of such person to the next subsequent session, upon such terms, as to bail or otherwise, as to such Court shall seem meet; and may respite the recognizances of the prosecutor and witness accordingly; in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session, without entering into any fresh recognizances for that purpose.

XXIV. In any plea of *anterfoits* convict, or *anterfoits* acquit, it shall be sufficient for any defendant to state that he has been lawfully convicted, or acquitted (as the case may be), of the said offence charged in the information.

XXV. If any person shall be found by night armed with any dangerous or offensive weapon, or instrument whatsoever, with intent to break or enter any dwelling-house or other building whatever, and to commit any felony therein; or if any person shall be found by night having in his possession, without lawful excuse (the proof of which excuse shall lie upon such person), any picklock, crow, jack, bit, or other implement of house-breaking; or if any person shall be found by night disguised with intent to commit any felony; or if any person shall be found by night in any dwelling-house, or other building whatsoever, with intent to commit any felony therein, every such offender shall be guilty of a misdemeanour; and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned, with or without hard labour, for any term not exceeding three years.

XXVI. That if any person shall unlawfully apply or administer, or attempt to apply or administer, to any other person any chloroform, laudanum, or other stupefying or overpowering drug, matter, or thing, with intent thereby to enable such offender or any other person to commit, or with intent to assist such offender or other person in committing any felony, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

XXVII. That, if any person shall unlawfully and maliciously inflict upon any other person, either with or without any weapon or instrument, any grievous bodily harm, or unlawfully and maliciously cut, stab, or wound any other person, every such offender shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

XXVIII. That, if upon the trial of any information for any felony, except murder or manslaughter, where the information shall allege that the defendant did cut, stab, or wound any person, the jury shall be satisfied that the defendant is guilty of the cutting, stabbing, or wounding, charged in such information, but are not satisfied that the defendant is guilty of the felony charged in such information, then, in every such case, the jury may acquit the defendant of such felony, and find him guilty of unlawfully cutting, stabbing, or wounding; and thereupon such defendant shall be

liable to be punished in the same manner as if he had been convicted upon an information for the misdemeanour of cutting, stabbing, or wounding.

XXIX. That where any woman shall have any interest, whether legal or equitable, present or future, absolute, conditional, or contingent, in any real or personal estate, or shall be an heiress presumptive, or next of kin to any one having such interest, if any person shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or defile her, or to cause her to be married or defiled by any other person, every such offender, and every person counselling, aiding, or abetting such offender, shall be guilty of felony, and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding four years.

XXX. That if any person shall unlawfully take, or cause to be taken, any unmarried girl, being under the age of sixteen years, out of the possession and against the will of her father or mother, or of any other person having the lawful charge or care of her, every such offender shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award.

XXXI. That if any person shall tender, utter, or put off, any false or counterfeit coin, or piece of metal, resembling or apparently intending to resemble or pass for any of the Queen's current gold, silver, or copper coin, or for any gold, silver, or copper coin of any foreign Prince, State, or Country, knowing the same to be false or counterfeit, every such offender shall be guilty of a misdemeanour, and, being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding one year.

XXXII. And whereas, provision is made by law in certain cases for the more exemplary punishment of persons who shall commit certain offences after one or more previous conviction or convictions, for the like or other offences; and it is expedient to define the time of charging the jury to inquire as to such previous conviction or convictions; Be it ordained, that it shall not be lawful on the trial of any person for any subsequent offence, where a plea of "not guilty" shall have been entered on his behalf, to charge the jury to inquire concerning any previous conviction, until they shall have inquired concerning such subsequent offence, and shall have found such person guilty of the same; and wherever in any information, any previous conviction shall be stated, the reading of such statement shall be deferred until after such finding as aforesaid: Provided that, if upon the trial of any person for any subsequent offence as aforesaid, such person shall give evidence of his good character, it shall be lawful for the prosecutor in answer thereto to give evidence of the conviction of such person for the previous offence or offences, before such verdict of "guilty" shall have been returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

XXXIII. That it shall be lawful for any person whatsoever to apprehend any person who shall be found committing any offence against the provisions of this Ordinance, or other indictable offence, and to convey him, or deliver him to some constable, or other peace-officer, in order to his being conveyed, as soon as conveniently

No. 5.
Ord. No. 13,
1852.

Penalty for unlawfully taking away any woman for motives of lucre.

A person taking away any girl under 16 years, how dealt with.

Penalty for attempting to pass Counterfeit Coin.

Time for inquiry relative to previous Convictions.

Any person may apprehend Offenders and give them in charge to a constable.

No. 5.
Ord. No. 13,
1852.

Punishment for
assaulting per-
sons authorized
to apprehend
Offenders.

Term of night
defined.

Certain mis-
demeanours,
how punished.

Construction
of Bahama
Act, 2 V. ch. 5.

Fines and
penalties under
£10, how re-
covered.

Construction of
certain Terms.

may be, before a Justice of the Peace, to be dealt with according to law.

XXXIV. That, if any person liable to be apprehended under the provisions of this Ordinance shall assault or offer any violence to any person by law authorized to apprehend or detain him, or to any person acting in his aid and assistance, every such offender shall be guilty of a misdemeanour, and being convicted thereof, shall be liable to be imprisoned, with or without hard labour, for any term not exceeding three years.

XXXV. That the time at which the night shall commence and conclude, in any offence against the provisions of this Ordinance, shall be the same as in cases of burglary.

XXXVI. That whenever any person shall be convicted of any one of the offences following, as a misdemeanour,—that is to say, any cheat or fraud punishable at Common Law;—any conspiracy to cheat or defraud, or to extort money or goods, or falsely to accuse of any crime, or to obstruct, prevent, pervert, or defeat the course of public justice;—any escape or rescue from lawful custody on a criminal charge;—any public and indecent exposure of the person;—any indecent assault, or assault occasioning actual bodily harm;—any attempt to have carnal knowledge of a girl under twelve years of age;—any public selling, or exposing for public sale, or to public view, of any obscene book, print, picture, or other indecent exhibition;—it shall be lawful for the Court to sentence the offender to be imprisoned for any term now warranted by law, and also to be kept to hard labour during the whole or part of such term of imprisonment.

XXXVII. That so much of the nineteenth section of the Act of the General Assembly of the Bahama Islands, passed in the second year of Her present Majesty's reign, chapter five, for consolidating and amending the laws relating to Larceny, as refers to a search-warrant, shall be, and the same is hereby repealed; and the said section shall hereafter be construed as if the words "by virtue of a search-warrant granted by any magistrate" had never formed a portion of the said section, and the word "premises," as used in the said section, shall comprise and be construed to mean vessels and boats, as well as lands and houses.*

XXXVIII. That all pecuniary fines and penalties, imposed by any Act of the General Assembly of the Bahama Islands, in force within this colony, or Ordinance of these islands, heretofore passed, and which are limited in amount to any sum not exceeding ten pounds, shall, after the passing of this Ordinance, be recoverable under the provisions of the several Acts of the General Assembly of the Bahama Islands, which now are, and of the several Ordinances of these islands, now or hereafter to be in force for the recovery of small debts and damages, anything in any Act of the said General Assembly or Ordinance as aforesaid to the contrary notwithstanding.

XXXIX. That in the construction of this, or any other Ordinance or Law in force in this colony, relative to criminal proceedings, the word "information" shall be understood to include "inquisition," and also any "plea," "replication," or other pleading, unless the contrary shall appear to have been intended;—and

* The 19 section of 2 Vic., c. 5, is repealed by Ord. No. 6 of 1860.

the words "indictable offence" shall be understood to mean any offence which can be tried in a superior court of criminal jurisdiction; and, wherever in this or any other Ordinance or Act as aforesaid in describing, or referring to any person, or party, matter or thing, any word importing the singular number or masculine gender is used, the same shall be understood to include and shall be applied to several persons and parties, as well as one person or party, and females as well as males, and bodies corporate as well as individuals, and several matters and things as well as one matter or thing; and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed.

XL. That the ninth section of the Act of the General Assembly of the Bahama Islands, passed in the fourth year of Her present Majesty's reign, chapter twenty-nine, shall be, and the same is hereby repealed.

XLI. That nothing in this Ordinance contained shall be deemed to repeal, wholly or in part, any Act of the General Assembly of the Bahama Islands, now in force in this colony, for the punishment of idle and disorderly persons, and rogues and vagabonds; but no person shall be punished for the same offence both under the said Acts, or either of them, and under this Ordinance.

No. 5.
Ord. No. 13,
1852.

Ninth sect. of
Bahama Act, 4
V. ch. 29, re-
pealed.

None of the
provisions of
the Act of the
Bahamas for
punishing idle
and disorderly
persons, re-
pealed by this
Ordinance.

No. 6.—ORDINANCE No. 3 of 1853.

For the regulation of Juries within the Turks and Caicos Islands.

See the Ordinance in extenso, *ante*, Part III., Class IV., No. 1, Sections 26, &c.

No. 6.
Ord. No. 3,
1853.

No. 7.—ORDINANCE No. 2 of 1854.

To amend Ordinance No. 3 of 1853.

See the Ordinance in extenso, *ante*, Part III., Class IV., No. 2.

No. 7.
Ord. No. 2,
1854.

No. 8.—ORDINANCE No. 2 of 1860.

An Ordinance for the removal of defects in the Administration of Criminal Justice. (Passed 9th April, 1860. Confirmed 5th September, 1860.)

No. 8.
Ord. No. 2,
1860.

WHEREAS the technical strictness of criminal proceedings might in some instances be further relaxed, so as to insure the punishment of the guilty, without depriving the accused of any just means of defence: And whereas it is expedient to make further provision for the more effectual prosecution of accessaries before and after the fact to felony: And whereas it is also expedient that any accessary before the fact to felony should be liable to be proceeded against, tried, convicted, and punished in all respects like the principal, as is now the case in treason, and in all

PREAMBLE.

Accessaries
before the fact
to any Felony
may be pun-
ished in the
same degree as
the principal.

No. 8.
Ord. No. 2,
1860.

Accessories
after the fact
may be tried
either with,
before, or after
the principal
Felon.

Proviso.

In information
for feloniously
stealing prop-
erty, a count
may be added
for feloniously
receiving the
same, knowing
it to have been
feloniously
stolen, and
vice versa.

Certain
amendments
may be made
in criminal in-

misdeemeanours; May it, &c., That if any person shall become an accessory before the fact to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes made, or to be made, such person may be proceeded against, tried, convicted and punished in all respects as if he were a principal felon.

II. And whereas an accessory after the fact to felony can at present be tried only along with the principal felon, or after the principal felon has been convicted, and not otherwise, which is sometimes productive of a failure of justice; Be it therefore ordained, That if any person shall become an accessory after the fact to any felony, whether the same be a felony at common law or by virtue of any statute or statutes made or to be made, he may be proceeded against, tried, and convicted, either as an accessory after the fact to the principal felony, together with the principal felon; or after the conviction of the principal felon, or may be proceeded against and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may thereupon be punished in like manner as any accessory after the fact to the same felony if convicted as an accessory may be punished; and the offence of such person, howsoever prosecuted, may be inquired of, tried, determined, and punished by any Court which shall have jurisdiction to try the principal felon, in the same manner as if the act by reason of which such persons shall have become an accessory had been committed at the same place as the principal felony: Provided always, that no person who shall be once duly tried for any such offence, whether as an accessory after the fact or as for a substantive felony, shall be liable to be again proceeded against or tried for the same offence.

III. And whereas, according to the present practice of Courts of criminal jurisdiction, it is not permitted, in an information for stealing property, to add a count for receiving the same property knowing it to have been stolen, or in an information for receiving stolen property, knowing it to have been stolen, to add a count for stealing the same property, and justice is hereby often defeated; Be it therefore ordained, That in every information for feloniously stealing property, it shall be lawful to add a count for feloniously receiving the same property, knowing it to have been stolen; and in any information for feloniously receiving property knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same property; and where any such information shall be preferred against any person, the prosecutor shall not be put to his election, but it shall be lawful for the jury who shall try the same to find a verdict of guilty, either of stealing the property or of receiving it, knowing it to have been stolen; and if such information shall be preferred against two or more persons, it shall be lawful for the jury who shall try the same to find all or any of the said persons guilty, either of stealing the property, or of receiving it knowing it to have been stolen; or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving it knowing it to have been stolen.

IV. And whereas a failure of justice frequently takes place in criminal trials by reason of variances between writings produced in evidence and the recital or setting forth thereof in the indict-

ment or information, and the same cannot now be amended at the trial, except in cases of misdemeanour; for remedy thereof, Be it ordained, That it shall and may be lawful for any Court of Oyer and Terminer, and general Gaol Delivery, if such Court shall see fit so to do, to cause the information for any offence whatever, when any variance or variances shall appear between any matter in writing or in print produced in evidence, and the recital or setting forth thereof, in the information whereon the trial is pending, to be forthwith amended in such particular or particulars by some officer of the Court, and after such amendment the trial shall proceed in the same in all respects, both with regard to the liability of witnesses to be indicted for perjury and otherwise, as if no such variance or variances had appeared.

No. 8.
Ord. No. 2,
1860.

formations by
order of the
Court.

CLASS VIII.

PRISON DISCIPLINE.

No. 1.—6 Wm. 4, ch. 15. *An Act for regulating Prison Discipline, and for other purposes.* (May 26, 1836.)

No. 1.
Act 6 W. 4,
c. 15.

PREAMBLE.

WHEREAS, it is necessary and expedient that one uniform system of prison discipline should be established throughout the colony, as far as possible, and that adequate provision should be made by law for the due enforcement of labour within or without the prison walls, in conformity with sentences passed for that purpose; May it, &c., That in the Island of Grand Turk, the Judge of the Supreme Court, the Queen's Advocate, and the Justices of the Peace are hereby appointed a General Board of Superintendence of the gaol of Grand Turk; and that the resident Justices of the Peace, together with such other persons as the President may deem fit to nominate, be, and they are hereby respectively appointed, visitors of gaols, workhouses or other prisons that are or may be established on any of the islands on which they may severally reside or happen to be.

Board of Superintendence.

Visitors for out Island Gaols appointed.

II. That it shall be the duty of the said Board of Superintendence in the Island of Grand Turk to meet monthly, and to inspect the various prisons placed by this Act under their superintendence; and it shall be the duty of the said General Board, as soon as conveniently may be after the passing of this Act, at their first meeting, to frame a set of prison rules and regulations, in conformity to the provisions of this Act, which, when submitted to and confirmed by the President, shall be the general prison rules throughout the colony; and it shall further be the duty of the said General Board to make and transmit a report of their monthly visits to the President, containing the state of the prisons, accompanied by such other recommendations for the improvement of the discipline, cleanliness, and general economy of the respective prisons under their superintendence, as may from time to time be found necessary; and it shall and may be lawful for the President to make the necessary order for carrying into effect such recommendations of the said general or any local board of visitors, or of any as he shall judge expedient.

Board of Superintendence to meet monthly to frame Prison Rules, when approved are to be the General Prison Rules for the Colony.

III. No longer in force, grand juries having been abolished.

IV. That a book shall be kept in each prison established

s

No. 1.
Act 6 W. 4,
c. 15.

Any one Justice
or member may
visit Prisons.

Debtors not to
pay Gaol fees.

Gaoler to assist
Debtors in ap-
plying for dis-
charge.

Provost Marshal
and Deputies
liable for the
escape of
Debtors.

Gaoler and
Turnkey may
be tried for the
escape of prison-
ers.

Duty of Gaolers
to visit cells.

Classification of
Prisoners.

throughout the colony, in which shall be entered the name of each visitor, the date of his visit, and in what capacity he may so visit any such prison.

V. Applies to New Providence alone.

VI. That any Justice of the Peace, and any member of the Board of Superintendence, may at any time visit the prison under his superintendence, for the purpose of inspecting and reporting thereon; but it shall be the duty of any such visiting Justice or member, as aforesaid, at all such visits, to enter his name in a book kept for that purpose, in such prison: Provided, however, that it shall not be competent for such member to alter any of the rules and regulations of any such prison.

VII. That no person hereafter confined for debt, by the process of any Court, shall be liable, or be compelled to pay any sum or sums of money, as gaol fees, consequent upon his admission, or discharge from any of the aforesaid gaols.

VIII. And whereas many poor debtors and other persons are unable, from want of proper instruction, to make known to the Courts or other competent authority, their inability to maintain themselves in gaol; Be it enacted, that whenever any prisoner confined in gaol shall be desirous of presenting any petition for the above support to any Court or other competent authority, it shall be the duty of the gaoler, and he is hereby required, to give him such assistance as may be requisite for that purpose, agreeably to such forms as may be furnished him.

IX. That if any prisoner committed in execution for debt, to any gaol within the colony, shall, by any ways or means whatsoever, escape thence, the officer having charge of such gaol shall be liable to the creditor or creditors, at whose suit such prisoner was charged in execution; and it shall and may be lawful for such creditor or creditors, forthwith to have and maintain an action or actions of debt against such officer, and to recover therein the full amount due on the judgment or judgments under which the prisoner so escaping was charged in execution at the time of his escape: Provided always, That the Provost Marshal of the colony, while he continues within the Government, shall be considered, deemed, and taken to be the officer in charge of every gaol at Grank Turk, and liable for all escapes from such gaols; but in case of his absence from the colony, the Deputy or Acting Provost Marshal shall be considered the officer in charge, as aforesaid, and subject to the liability aforesaid.

X. That any gaoler or turnkey, from whose custody a prisoner shall escape, shall be liable to be tried therefor, in the Supreme Court of these islands, to ascertain if the same was occasioned by negligence, or design, or connivance of such gaoler; and on conviction of any such offence, shall be liable to fine and imprisonment, or either, at the discretion of the Court.

XI. That it shall be the duty of the several gaolers of the prisons within the colony, to visit the whole of the cells in their prisons, at least once during every twenty-four hours, and to make a report in a book to be kept in each prison, in which the hour of visiting shall be entered, accompanied by the gaoler's signature.

XII. That prisoners confined within the walls of any prison within the colony, as far as the size and internal conveniences of such prisons will admit, shall be classified as follows; and when

so classified, each class shall be kept distinct and separate from the other. First, males from females; second, adults from children; third, prisoners committed under charges affecting their lives, from prisoners committed for other offences; fourth, prisoners sentenced to death from prisoners sentenced to other punishments; fifth, debtors from criminals: Provided, however, That nothing herein contained shall be construed to prevent male convicts sentenced to hard labour from working together in one gang, when there may be too few to form separate gangs, in conformity with the foregoing classification.

XIII. Applies to New Providence alone.

XIV. That in the rules and regulations to be framed under the authority of this Act, the following points shall be provided for, viz.: First, the time of, and description, labour, of prisoners within and without the prisons, including the materials and tools; second the preservation of silence; third, the punishment of refractory prisoners; fourth, the diet of prisoners; fifth, medical attendance; sixth, distinguishing dresses; seventh, the religious instruction of the prisoners; eighth, a periodical return of all prisoners; ninth, printed forms to be used for gaol purposes.

XV. Applies to New Providence alone.

XVI. Repealed.

XVII. Duration. Five years.*

No. 1.
Act 6 W. 4,
c. 15.

Points to be
attended to in
making rules
for Prison dis-
cipline.

CLASS IX.

OFFICE OF CORONER.

No. 1.—8 Geo. 4, ch. 9.—*An Act for regulating the office of Coroner of the Turks Islands, and for the better mode of compelling the attendance of Jurors, or other Persons, summoned to attend on Inquests, and for other purposes.* (Dec. 22nd, 1827.)

No. 1.
Act 8 G. 4,
c. 9.

WHEREAS it is highly necessary that whenever the Coroner of the Turks Islands may receive notice of a violent death, casually or misadventure, an inquest should be held on the body as soon as possible, in order that the same may be interred without delay; but from the difficulty attending the collecting a sufficient number of fit and proper persons to form a jury, much inconvenience and delay have arisen; May it, &c., That every person sitting as a juror on the inquest of the body of any person, shall be of the age of twenty-one years, and a housekeeper on one or other of the said Turks Islands.

PREAMBLE.

Qualification
of Jurors.

II. That from and after the passing of this Act it shall and may be lawful for the Coroner of the said Turks Islands, to summon, personally and verbally, or cause to be summoned by warrant under his hand directed to any constable, twenty-four persons duly quali-

Mode of sum-
moning Jurors.

* By 5 Victoria, passed on the 1st day of February, 1842, this Act is continued in force for five years, and from thence to the end of the then next Session of Assembly. Further continued by Ord. 10, 1851, and Ord. 2, 1857, for five years from 6th November, 1857.

No. 1.
Act 8 G. 4,
c. 9.

fied to serve as jurors as aforesaid, provided always that the following persons shall not be liable to serve on juries directed by this Act: That is to say, the Receiver-General and Treasurer, all officers of the Revenue Department, the Colonial Secretary, the Police Magistrate and Provost Marshal, the Attorneys and Officers of the Supreme Court, Ministers of the Church of England and of dissenting congregations tolerated by law, physicians, surgeons, apothecaries, pilots of the roads and anchoring places, in and about the said islands, persons above sixty years of age, and sick, maimed, or disabled persons.

Persons incompetent to serve.

III. That the following persons shall not be competent to serve upon any of the said juries: that is to say, persons convicted of treason, murder, or felony, persons who have stood in the pillory, persons who have been convicted of perjury, madmen, lunatics, or idiots.

Coroner and Constable may enter into premises and enforce attendance.

IV. That it shall and may be lawful for the said Coroner or any lawful constable by virtue of his warrant, to enter into any house, store, or lot, as well as on the highway, for the purpose of summoning twenty-four persons duly qualified to serve as jurors, out of which number a jury shall be drawn, and the said Coroner is hereby authorized and empowered to enforce the attendance of witnesses, as also the attendance of a surgeon or physician in cases of necessity.

Penalty for non-attendance.

V. That if any person or persons who shall have been duly summoned to attend as a juror or jurors, witness or witnesses, at the place appointed, or where the inquest is to be held or taken, shall neglect or refuse to attend, or shall after attendance absent himself or themselves, without leave from the Coroner; then and in every such case, the Coroner shall give in upon oath a list of such persons as shall neglect or refuse to attend, or after attendance shall absent themselves without his leave, to the Judge of the Supreme Court at the said islands, at the then next meeting of the said Court, who is hereby authorized and empowered to fine every such defaulter in a sum not less than two, or more than four pounds;* and if such fine shall not be paid within the space of forty-eight hours, the same shall be levied by warrant under the hand of such Judge, by distress and sale of the goods and chattels of the offender, and paid into the hands of the Receiver-General and Treasurer of these islands in aid of the general revenue.

Mode of recovering penalty.

No. 2.
Act 4 W. 4,
c. 25.

No. 2.—4 Wm. 4, ch. 25. *An Act for improving the Administration of Criminal Justice in these Islands, for suspending certain Acts therein mentioned, and for other purposes.* (Feb. 15th, 1834.)

Coroner to put in writing the evidence taken by him before a Jury.

IV. That every Coroner upon any inquisition before him taken, whereby any person shall be indicted for manslaughter, or murder, or as an accessory to murder before the fact, shall put in writing the evidence given to the jury before him, or as much thereof as

* All sums mentioned in this Act are at the rate of Old Bahama Currency. See note, page 41.

shall be material, and shall have authority to bind, by recognizance, all such persons as know or declare anything material, touching the said manslaughter or murder, or the said offence of being accessory to murder, to appear at the next sitting of the Supreme Court, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the same evidence, and all such recognizances, and also the inquisition before him taken, and shall deliver the same to the proper officer of the said Court.

No. 2.
Act 4 W. 4,
c. 25.

V. That if any Justice or Coroner shall offend in anything contrary to the true intent and meaning of these provisions, the Court, to whose officer any such examination, information, evidence, bailment, recognizance, or inquisition, ought to have been delivered, shall, upon examination, and proof of the offence, in a summary manner, set such fine upon every such Justice or Coroner, as the Court shall think meet.*

Justices and
Coroners may
be tried for
neglect at the
discretion of
the Judges of
the Supreme
Court.

No. 3.—4 Vic. ch. 30. *This Act declares several Acts of Parliament to be in force in these Islands; and amongst them, the following Act of 4 Geo. 4, ch. 52, entitled, "An Act to alter and amend the Law relating to the Interment of the Remains of any Person found Felo-de-se."* (8th July, 1823.)

No. 3.
Act 4 Vic.
c. 30.

WHEREAS it is expedient that the laws and usages relating to the interment of the remains of persons, against whom a finding of *felo-de-se* shall be had, should be altered and amended; Be it, &c., That from and after the passing of this Act, it shall not be lawful for any Coroner or other officer having authority to hold inquests, to issue any warrant or other process directing the interment of the remains of persons against whom a finding of *felo-de-se* shall be had in any public highway; but that such Coroner or other officer shall give directions for the private interment of the remains of such person, *felo-de-se*, without any stake being driven through the body of such person in the churchyard or other burial-ground of the parish or place in which the remains of such person might, by the laws or customs of England, be interred, if the verdict of *felo-de-se* had not been found against such persons, such interment to be made within twenty-four hours from the finding of the inquisition, and to take place between the hours of nine and twelve at night.

II. Provided, nevertheless, That nothing herein contained shall authorize the performing of any of the rites of Christian burial on the interment of the remains of any such person as aforesaid, nor shall anything hereinbefore contained be taken to alter the laws or usages relating to the burial of such persons, except so far as relates to the interment of such remains in such churchyard or burial-ground, at such time and in such manner as aforesaid.

* For the other sections of this Act see *ante*, this Part, Class VII., No. 1.

No. 4.
Act 10 Vic.
c. 7.

No. 4.—10 Vic. ch. 7. *This Act declares in force in the Colony, the Act of Parliament 9 & 10 Vic. ch. 62, entitled, "An Act to abolish Deodands." By which it is enacted, that there shall be no forfeiture of any chattel for or in respect of the same having moved to, or caused the death of man; and no Coroner's jury sworn to inquire, upon the sight of any dead body, how the deceased came by his death, shall find any forfeiture of any chattel which may have moved to, or caused the death of the deceased, or any deodand whatsoever; and it shall not be necessary in any indictment or inquisition for homicide, to allege the value of the instrument which caused the death of the deceased, or to allege that the same was of no value.*

CLASS X.

STIPENDIARY JUSTICES AND THEIR JURISDICTION.

MASTERS AND SERVANTS.

No. 1
Act 3 Vic.
c. 1.

No. 1.—3 Vic. ch. 1. *An Act for regulating the relative Duties of Masters and Servants, for providing for the Apprenticing of Children, and for other purposes. (June 21, 1839.)*

PREAMBLE.

Regulations as
to Contracts
of service.

WHEREAS, in and by your Majesty's Royal Order in Council, bearing date at your Majesty's Court, at Buckingham Palace, on the fourth day of February, in the present year of our Lord, One thousand eight hundred and thirty-nine, your Majesty was pleased to declare your disallowance of two certain Acts of the General Assembly of these islands, the one made and passed in the sixth year of the reign of His late Majesty, King William the Fourth, entitled, "An Act for the Regulation of Labourers and other Servants, entering into Agreements for fixed Periods, and for determining Complaints between them and their Employers;" and the other, an Act passed in the seventh year of the reign of his said late Majesty, entitled, "An Act to amend an Act, entitled, 'An Act for the Regulation of Labourers and other Servants, entering into Agreements for fixed Periods, and for determining Complaints between them and their Employers.'" And, whereas, it is manifestly expedient that provision should be made by law for regulating the relative rights and duties of masters and servants, and the mode of entering into contracts for service; May it, &c., That no contract of service shall be of any force or effect within the Colony, unless the same shall be actually and *bond fide* made and entered into, upon land within the limits of the Government of the Turks and Caicos; nor shall any contract of service be in force within the said islands for any greater or longer space of time than one calendar month, from the date thereof, unless the same shall be reduced into writing, with all the formalities hereinafter mentioned, and particularly designated.

II. That no written contract of service shall be valid, or binding upon the parties thereto, or be of any force or effect whatsoever, unless it shall be signed with the name, or, in case of illiterate persons, with the mark, of each of the contracting parties, in the presence of a Stipendiary Justice of the Peace, nor unless such Stipendiary Justice shall subscribe such written contract, in attestation of the fact, that it was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect.

No. 1.
Act 3 Vic.
c. 1.

III. That such written contracts, as aforesaid, shall not be binding or valid, for any greater or longer period than one year from their respective dates. And that every such written contract shall expire at the close of the time of service therein stipulated for, without any notice on either side being given.

Duration of
Contracts.

IV. That every such written contract, as aforesaid, shall specify, as accurately as may be, the general nature of the employment in which the servant is to be engaged; and when any such contract is for work to be performed, not by the piece, but by time, it shall also, in like manner, specify the number of hours of daily labour, and the hours of the day at which such labour is to commence, to be suspended, to recommence, and to terminate; and in cases in which the remuneration, or any part of it, is to be made, not in money but in kind, every such contract, as aforesaid, shall specify, with all practicable precision, the nature, amount, and quality of the articles to be supplied to the servant, and the time when, and the place or places at which such articles are to be delivered.

Nature of employment, &c.,
to be specified
in Contract.

V. That it shall not be lawful to pay the wages of any servant in kind when the same has been contracted to be paid in money; nor to pay such wages in money when contracted to be paid in kind; nor to pay the same in any other than the stipulated kind, except by and with the express consent of the servant.

Mode of payment specified
not to be
charged.

VI. That all contracts for service shall be drawn up as nearly as possible in the following terms, namely: Be it remembered, that on this day of in the year of our Lord A. B., of and C. O., of appeared before me, E. F., a Stipendiary Justice of the Turks and Caicos Islands, and in my presence signed their names, or marks (*as the case may be*), to the following contract of service. The said A. B. agrees to hire the services of the said C. D., and the said C. D. agrees to render to the said A. B. his services in the capacity of a for calendar months, commencing on the day of instant, and terminating on the day of in the year . And it is further agreed between the said parties that the said C. D. shall be employed in (field labour), or as a (household servant), or as (a boatman) as the case may be, and that the hours of labour of the said C. D. shall not be more than daily, commencing at the hour of and terminating at the hour of , with (one hour) or (*as the case may be*,) for breakfast, at of the clock, and (one hour) or (*as the case may be*,) for dinner, at of the clock daily. And it is further agreed, that the said A. B. shall pay to the said C. D., as such servant, as aforesaid, wages at and after the rate of , by the (day, week, month, or year, *as the case may be*). And that such wages shall be paid on the day of each (week or month, *as the case may be*).

Form of Contract.

No. 1.
Act 3 Vic.
c. 1.

And it is further agreed, that the services of the said *C. D.* shall be partly or wholly (*as the case may be*) remunerated by the delivery to the said *C. D.* of the various articles and allowances specified in the list hereunto subjoined, which shall be of such amount and qualities as are specified in the said list, so far as such specification is possible (*here add any special engagement, compatible with the law, and not adverted to in this form.*)

(Signed)

A. B.
C. D.

The preceding agreement was signed by the above-named parties in my presence, on the day and year above written, voluntarily, the same being, as far as I am able to judge, fully understood by them respectively. (Signed) *E. F.*, Stipendiary Justice.

Parents may
apprentice
children above
10 and under
16.

VII. That it shall and may be lawful for the father, or in case of a fatherless child, the mother, or in case of total orphanage, the guardian or guardians of any child above the age of ten years, and under the age of sixteen years, to apprentice out such child to any trade in the practice of which any peculiar art or skill is required, for any term not exceeding five years: Provided always, That it shall not be lawful to apprentice out such child as a labourer in husbandry or in the manufacture of colonial produce; any law, usage, or custom to the contrary notwithstanding.

Proviso.

Persons of 16
and upwards
may bind
themselves.
Proviso.

VIII. That it shall and may be lawful for any person of the full age of sixteen years or upwards, to apprentice himself or herself out for any term not exceeding five years, to any trade, in the practice of which any peculiar art or skill is required: Provided however, that nothing herein contained shall authorize, or be construed to authorize, an apprenticeship of any kind, or under any circumstances, of persons as labourers in husbandry, or in the manufacture of colonial produce; but all engagement of service for such works shall be made in pursuance of, and in accordance with, the first, second, third, fourth, fifth, and sixth sections of this Act, and not otherwise.

The law of
England as to
apprentices how
applicable.

IX. That the law of England relative to apprentices, shall, as far as may be practicable, be applied to cases of apprenticeship in these islands, with this exception, that the powers for enforcing or dissolving contracts of apprenticeship, and for authorizing the making of such contracts, which in England are vested in Justices of the Peace, shall, within these islands, be vested in and exercised by the special Stipendiary Justices of the Colony.

Jurisdiction of
Stipendiary
Justices.

X. That the Stipendiary Justices of the Colony shall have an exclusive jurisdiction for the enforcement of all contracts of service, and for imposing of all penalties for the breach, neglect, or non-performance thereof, which jurisdiction shall be exercised by them in a summary manner.

Governor to
have prepared
forms of pro-
ceedings.

XI. That for insuring regularity and method in the exercise by the said Stipendiary Justices, of the summary jurisdiction vested in them by this Act, it shall and may be lawful for the President to cause to be prepared forms of proceedings, to be observed on lodging complaints; in issuing summonses; in the citation of witnesses; in the pronouncing awards or sentences; in issuing warrants or orders for the execution of such awards or sentences; and generally, for the complete carrying out of the powers of the Stipendiary Justices into execution; which forms shall be submitted to the Chief Justice of the Colony, or the presiding Judge

To whom to be
submitted.

for the time being, of the Supreme Court of the Colony ; and being approved of by such Chief Justice or other presiding Judge, the same shall be observed in all proceedings before such Stipendiary Justices, subject, nevertheless, to be revised, repealed, or amended, by the authority, and in the manner aforesaid, as occasion may require.

No. 1.
Act 3 Vic.
c. 1.

XII. That no sentence, award, or order made by any Stipendiary Justice in the execution of the jurisdiction so vested in him, shall be liable to be reversed, set aside, appealed from, or questioned by any Court of Justice whatsoever, except on the ground of an unlawful assumption of power, or other illegality on the part of such Stipendiary Justice ; but the same when consistent with law, shall to all intents and purposes be binding, final, and conclusive.

Subject to
revision.

XIII. That for all acts done by any Stipendiary Justice of the Peace, in the exercise of the jurisdiction vested in him by this Act, such Justice shall have, and be entitled to the same protection, privileges, and indemnity as by the several laws now in force in the colony, any other Justice of the Peace is entitled to claim or have, in respect of any act by him done, in execution of the powers vested by law in him.

Special Justices
to have legal
protection, &c.

XIV. That on complaint preferred and proof made before any Stipendiary Justice, that any servant has neglected to perform his stipulated work, or that he has performed such work negligently or improperly, or that by negligence or other improper conduct he has injured the property of his master, intrusted to his care, it shall and may be lawful for such Stipendiary Justice, in his discretion, to adjudge the servant so offending, to any one or more of the following penalties, that is to say : To pay to his master any sum of money, not exceeding the amount or value of one month's wages, to be paid in such time and manner as the said Stipendiary Justice shall direct, or to commit such servant to some lawful prison, there to remain with or without hard labour, for any term not exceeding fourteen days, or to cancel and dissolve the contract of service.

Penalties for
negligence, &c.,
of servants.

XV. That on complaint preferred, and proof made, by a servant before any Stipendiary Justice of the Peace, that his master has not paid such servant's wages, or delivered to him the articles stipulated for, or that the articles so delivered were not of the prescribed amount and quality ; or that by the negligence or other improper conduct of the master the contract of service has not been faithfully performed ; or that the master has ill-used such servant, it shall and may be lawful for such Stipendiary Justice to make an order for the payment of the wages in arrear, or for the delivery of the stipulated articles, or for compensation, (not exceeding the amount or value of one month's wages,) to be made to the servant for any injury by him sustained, from such negligence, or improper conduct of the master, or by his non-fulfilment of the contract, or by his ill-usage of such servant.*

Masters not
faithfully per-
forming con-
tract, how
dealt with.

XVI. That if any such order as last aforesaid, be not complied with, according to the exigency and tenor thereof, it shall and may be lawful for the Justice making the same to issue a warrant for the seizure and sale of the goods and chattels of the offender, to the

Masters not
making the
compensation
awarded, how
dealt with.

* So much of this section as limits the amount of compensation, is repealed by 1st section 3 Vic. c. 36.

No. 1.
Act 3 Vic.
c. 1.

amount necessary for making the compensation awarded by such order : and if no goods and chattels, or not sufficient goods and chattels can be found, it shall and may be lawful for such Justice, on such fact being made to appear to his satisfaction, to issue his further or other warrant for the arrest of such master, and for his committal to prison, for any term not exceeding fourteen days,* unless full compensation be sooner made.

Contract may
be cancelled.

XVII. That in addition to or substitution of any of the punishments next hereinbefore mentioned, it shall and may be lawful in any of the cases aforesaid, for the Stipendiary Justice before whom any such master shall be convicted as aforesaid, to order the contract of service to be cancelled ; and such contract shall from the making of such order as last aforesaid, be utterly null and void.

Disputes as to
meaning of
contract, how
decided.

XVIII. That if any question shall arise between a master and servant respecting the meaning of their contract, or the rights of either party under the same ; or the obligation, or obligations, imposed on either party thereby, it shall and may be lawful for any Stipendiary Justice of the Peace, on the application of either party, to arbitrate between them ; and his award on all such questions so brought before him shall be conclusive without appeal.

Provisions to
the foregoing
clause.

XIX. That nothing herein contained shall prevent, or be construed to prevent, any proceedings before the ordinary tribunals of the colony against any master for ill-usage of a servant, or against any servant for ill-usage of a master, if the Stipendiary Justice of the Peace before whom the complaint shall be lodged, shall decline to entertain the same, and shall deem fit to refer it to the ordinary course of law : Provided always, That whenever any Stipendiary Justice shall so decline to entertain any such complaint, as aforesaid, he shall, without delay, make a report to the President of the circumstances of such complaint, and the cause or causes which induced him to decline to entertain the same ; and it shall be lawful for the President, if he shall deem it expedient, to direct such Stipendiary Justice to re-hear such complaint, and to adjudicate thereon under this Act.

XX. That every Stipendiary Justice of the Peace shall hold his office during Her Majesty's pleasure, and shall be liable to be suspended therefrom by the President, until Her Majesty's pleasure be made known.

Duties of Special
Justices.

XXI. That every such Stipendiary Justice shall act for such district or districts as shall from time to time be assigned to him for that purpose by the President ; to the lawful commands of whom every such Justice shall, in all things relating to the duties of his office, be obedient ; and every such Justice shall be bound to make to the President, such general or special reports of his proceedings, in the discharge of the duties of his office, as the said President, shall, from time to time, require of him.

Petty Sessions,
how to be
formed by Stipendiary
Justices.

XXII. That the Stipendiary Justices of the colony shall, from time to time, as occasion may appear to them to require, or when they shall be so directed by the President, meet together in petty sessions ; at which sessions not less than two such Justices shall ever be present ; and it shall be lawful for such Justices, in petty sessions assembled, to associate with them one General Justice of the Peace, and no more ; and such Stipendiary Justices, and Gene-

* Extended by 2nd section 3 Vic. c. 36, to any term not exceeding thirty days.

ral Justice, or the majority of them, may, in such petty sessions assembled, exercise any of the powers hereby vested in the Stipendiary Justices separately: Provided, however, that no such petty sessions be convened unless by the previous sanction of the President, which sanction may be given either for holding such sessions periodically, at such times and places to be appointed by him, or for holding the same for any special occasion at any particular time and place.

XXIII. That all constables and other peace officers, respectively, shall obey and carry into execution all lawful orders and warrants of such Stipendiary Justices, or any of them, or of any such petty sessions, as aforesaid, under a penalty of not exceeding Five pounds for every refusal or neglect, to be recovered in a summary way before any Stipendiary Justice as aforesaid.

XXIV. That all that Act or Statute of the Imperial Parliament, of Great Britain and Ireland, made and passed in the sixth year of the reign of His late Majesty, King George the Fourth, entitled, "An Act to repeal the Laws relative to Combination of Workmen, and to make other provisions in lieu thereof," shall be, and the same is hereby declared to be in force within this colony, and the same shall be applied in the administration of the law therein, so far as, from local circumstances, it may be practicable to apply the same: Provided nevertheless, That the powers thereby vested in the Justice of the Peace in England, shall be in this colony vested in the said Stipendiary Justice; the power thereby vested in any Court of General or Quarter Sessions, shall be vested in the said before-mentioned Court of Petit Sessions; and the power thereby vested in Her Majesty's superior Courts at Westminster, shall, in these islands, be vested in the superior Courts of civil and criminal justice thereof; and for the better adaptation of the said Act of Parliament to the local circumstances aforesaid, such analogous forms of proceeding shall be prescribed in manner aforesaid, by the President, with the sanction of the Chief Justice or other Judge, as aforesaid.

XXV. That for the purposes, and within the meaning of this Act, the officer lawfully administering the government of this colony, for the time being, shall be deemed, and taken to be the President thereof; and that for the purposes, and within the meaning aforesaid, the word "Servant" shall be construed and understood to comprise any person employed for hire, wages, or other remuneration, to perform any handicraft or other bodily labour, in agriculture, or manufactures, or in domestic service, or as a boatman, porter, or other occupation, in which the emancipated population of these islands, or any of them, were usually employed while in a state of slavery, or as apprenticed labourers; and that for the purposes, and within the meaning aforesaid, the word "Master" shall be construed and understood to comprise any person, whether male or female, employing for hire, wages, or other remuneration, any person falling within the before-mentioned description of a "Servant;" and that for the purposes, and within the meaning aforesaid, the words "Contract of Service," shall be construed and understood to comprise any agreement, whether oral or written, whether express or implied, and which any person, falling within the before-mentioned description of the word "Servant," shall enter into with any other person or persons, for the

No. 1.
Act 3 Vic.
c. 1.

Proviso.

Duties of Constables.

Act of Parl.
6 G. 4, c. 129,
extended to
this Colony.

Proviso.

Meaning of words used in this Act,—

"Servant."

"Master."

"Contract of Service."

No. 1.
Act 3 Vic.
c. 1.

"Stipendiary
Justices."

Import of
terms used in
this Act.

performance of any work or labour of any kind, hereinbefore particularly mentioned; and that for the purposes, and within the meaning, aforesaid, the words "Stipendiary Justice" shall be construed and understood to comprise such Justices only, as being in the receipt of stipends for their maintenance, as such Justices, shall be named in any commission issued, or hereafter to be issued, in the name of Her Majesty, appointing them to act as Stipendiary Justices for these islands, or for any town, island, or district of the same.

XXVI. That all words in this Act importing the singular number, or masculine gender, only, shall be understood to include several persons as well as one person, and females as well as males, unless it be otherwise specially provided, or there be something in the subject, or context, repugnant to such constructions.

XXVII. This section, which was a duration clause of five years, is repealed by 3 Vic. ch. 36.

No. 2.
Act 3 Vic.
c. 36.

No. 2.—3 Vic. ch. 36. *An Act to amend an Act, entitled, "An Act for regulating the relative duties of Masters and Servants; for providing for the Apprenticing of Children, and for other purposes."* (February 20th, 1840.)

I. Repeals so much of the 15th section of 3 Vic. ch. 1, as limits the amount of compensation to be awarded under the said section.

II. Repeals so much of the 16th section of said Act as limits the duration of imprisonment of a master to fourteen days, and declares that it shall be lawful for a Stipendiary Justice, in any case coming within the meaning of the said 16th section, to commit the offender to prison for any term not exceeding thirty days.

III. Repeals 27th section of the said Act.

No. 3.
Act of Parl.
6 Geo. 4,
c. 129,
extended by
3 Vic. c. 1.

Penalty on
persons com-
pelling Jour-
neyman to
leave their em-
ployment, &c.

No. 3.—*Act of Parliament, 6 Geo. 4, ch. 129 (declared to be in force here in this Colony, by the 24th sec. of 3 Vic. ch. 1). An Act to repeal the Laws relating to the Combination of Workmen, and to make other Provisions in lieu thereof.*

I. & II. Repeals various Acts of Parliament, which, however, were not previously in force in these islands.

III. That from and after the passing of this Act, if any person shall, by violence to the person or property, or by threats, or intimidation, or by molesting, or in any way obstructing another, force, or endeavour to force, any journeyman manufacturer, workman, or other person, hired or employed in any manufacture, trade, or business, to depart from his hiring, employment, or work; or to return his work before the same shall be finished; or prevent, or endeavour to prevent, any journeyman manufacturer, workman, or other person, not being hired or employed, from hiring himself to, or from accepting work or employment from any person or persons; or if any person shall use or employ violence to the person or property of another, or threats or intimidation, or

shall molest or in any way obstruct another, for the purpose of forcing or inducing such person to belong to any club or association, or to contribute to any common fund ; or to pay any fine or penalty ; or on account of his not belonging to any particular club or association ; or not having contributed, or having refused to contribute to any common fund, or to pay any fine or penalty ; or on account of his not having complied, or of his refusing to comply with any rules, orders, resolutions, or regulations, made to obtain an advance, or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, or business, or the management thereof ; or if any person shall, by violence to the person or property of another, or by threats or intimidation, or by molesting, or in any way obstructing another, force, or endeavour to force, any manufacturer or person carrying on any trade or business, to make any alteration in his mode of regulating, managing, conducting, or carrying on such manufacture, trade, or business ; or to limit the number of his apprentices, or the number or description of his journeymen, workmen, or servants ; every person so offending, or aiding, abetting or assisting therein, being convicted thereof in manner hereinafter mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to hard labour, for any time not exceeding three calendar months.

No. 3.
Act of Parl.
6 Geo. 4,
c. 129,
extended by
3 Vic. c. 1.

Imprisonment.

IV. That this Act shall not extend to subject any persons to punishment, who shall meet together for the sole purpose of consulting upon and determining the rate of wages or prices, which the persons present at such meeting, or any of them, shall require or demand, for his or their work, or the hours or time for which he or they shall work, in any manufacture, trade, or business ; or who shall enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices, which the parties entering into such agreement, or any of them, shall require or demand for his or their work, or the hours of time for which he or they will work, in any manufacture, trade, or business ; and that persons so meeting, for the purposes aforesaid, or entering into any such agreement as aforesaid, shall not be liable to any prosecutions or penalty for so doing, any law or statute to the contrary notwithstanding.

Not to affect
meetings for
settling rates
of wages, &c.

V. That this Act shall not extend to subject any persons to punishment, who shall meet together for the sole purpose of consulting upon and determining the rate of wages or prices, which the persons present at such meeting, or any of them, shall pay to his or their journeymen, workmen, or servants, for their work, or the hours or time of working in any manufacture, trade, or business ; or who shall enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices, which the parties entering into such agreement, or any of them, shall pay to his or their journeymen, workmen, or servants, for their work, or the hours or time of working in any manufacture, trade, or business ; and that persons so meeting, for the purposes aforesaid, or entering into any such agreement, as aforesaid, shall not be liable to any prosecution or penalty for so doing ; any law or statute to the contrary notwithstanding.

Not to affect
meetings for
rates of wages,
&c.

VI. That all and every person and persons who shall or may

No. 3.
Act of Parl.
6 Geo. 4,
c. 129,
extended by
8 Vic. c. 1.

Offenders com-
pelled to give
evidence.

Indemnified.

Justices may
summon of-
fenders.

Not appearing,
warrants may
be issued.

On their appear-
ance or proof of
absconding.

Proceedings.

Justices may
summon wit-
nesses.

offend against this Act, shall and may, equally with all other persons, be called upon and compelled to give his or her testimony and evidence as a witness or witnesses on behalf of His Majesty, or of the prosecutor or informer, upon any information to be made or exhibited under this Act, against any other person or persons, not being such witness or witnesses, as aforesaid; and that, in all such cases, every person, having given his or her testimony or evidence, as aforesaid, shall be and is hereby indemnified of, from, and against, any information to be laid, or prosecution to be commenced, against him or her, for having offended in the matter wherein, or relative to which, he, she, or they shall have given testimony or evidence, as aforesaid.

VII. That on complaint and information on oath, before any one or more Justice or Justices of the Peace, of any offence having been committed against this Act, within his or their respective jurisdictions, and within six calendar months before such complaint or information shall be made, such Justice or Justices are hereby authorized and required to summon the person or persons charged with being an offender or offenders against this Act, to appear before any two such Justices, at a certain time or place to be specified; and if any person or persons so summoned shall not appear, according to such summons, then such Justices (proof on oath having been first made before them of the due service of such summons on such person or persons by delivering the same to him or them personally, or leaving the same at his or their usual place of abode, provided the same shall be so left twenty-four hours, at the least, before the time which shall be appointed to attend the said Justices, upon such summons), shall make and issue their warrant or warrants for apprehending the person or persons so summoned and not appearing, as aforesaid, and bringing him or them, before such Justices; or it shall be lawful for such Justices, if they shall think fit, without issuing any previous summons, and, instead of issuing the same, upon such complaint and information, as aforesaid, to make and issue their warrant or warrants for apprehending the person or persons by such information charged to have offended against this Act, and bringing him or them before such Justices; and upon the person or persons complained against, appearing upon such summons, or being brought by virtue of such warrant or warrants, before such Justices; or upon proof on oath of such person or persons absconding, so that such warrant or warrants cannot be executed, then such Justices shall, and they are hereby authorized and required, forthwith to make inquiry touching the matters complained of, and to examine into the same by the oath or oaths of any one or more credible person or persons, as shall be requisite, and to hear and determine the matter of every such complaint; and upon confession by the party or proof by one or more credible witness or witnesses upon oath, to convict or acquit the party or parties against whom complaint shall have been made, as aforesaid.

VIII. That it shall be lawful for the Justices of the Peace before whom any such complaint and information shall be made, as aforesaid, and they are hereby authorized and required, at the request, in writing, of any of the parties, to issue his or their summons to any witness or witnesses, to appear and give evidence before such Justices at the time and place appointed for hearing and determining

such complaint, and which time and place shall be specified in such summons: and if any person or persons so summoned to appear as a witness or witnesses, as aforesaid, shall not appear before such Justices at the time and place specified in such summons, or offer some reasonable excuse for the default, or appearing according to such summons, shall not submit to be examined as a witness or witnesses, and give his or their evidence before such Justices, touching the matter of such complaint, then, and in every such case, it shall be lawful for such Justices, and they are hereby authorized (proof on oath, in the case of any person not appearing according to such summons, having been first made before such Justices of the Peace, of the due service of such summons on every such person, by delivering the same to him, or her, or by leaving the same twenty-four hours before the time appointed for such person to appear before such Justices, at the usual place of abode of such person,) by warrant, under the hands of such Justices, to commit such person or persons, so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of such Justices, there to remain, without bail or mainprize, for three calendar months, or until such person or persons shall submit to be examined, and give evidence before such Justices as aforesaid.

IX. That the Justices, before whom any person or persons shall be convicted of any offence against this Act, or by whom any person shall be committed to prison for not appearing as a witness, or not submitting to be examined, shall cause all such convictions, and the warrants or orders for such commitments, to be drawn up in the form or to the effect set forth in the Schedule to this Act annexed.

X. That the Justices before whom any such conviction shall be had shall cause the same (drawn up in the form, or to the effect hereinbefore directed,) to be fairly written on parchment, and transmitted to the next General Sessions, or General Quarter Sessions of the Peace, to be holden for the county, riding, division, city, liberty, town, or place, wherein such conviction was had, to be filed amongst the records of the said General Sessions, or General Quarter Sessions; and in case any person or persons shall appeal, in manner hereinafter mentioned, from the judgment of the said Justices to the said General Sessions, or General Quarter Sessions, the Justices in such General Sessions, or General Quarter Sessions, are hereby required, upon receiving such conviction, to proceed to the hearing and determination of the matter of the said appeal, according to the directions of this Act.

XI. Relates to proceedings in Scotland.

XII. That if any person convicted of any offence or offences, punishable by this Act, shall think himself or herself aggrieved by the judgment of such Justices, before whom he or she shall have been convicted, such person shall have liberty to appeal from every such conviction to the next Court of General Sessions, or General Quarter Sessions of the Peace, which shall be held for the county, riding, division, city, liberty, town or place, wherein such offence was committed: and that the execution of every judgment so appealed from shall be suspended in case the person so convicted shall immediately enter into recognizances before such Justices, (which they are hereby authorized and required to take,) himself in the penal sum of ten pounds, with two sufficient sureties, in the

No. 8.
Act of Parl.
6 Geo. 4,
c. 129,
extended by
3 Vic. c. 1.

Proceeding.

Convictions to
be drawn up
according to
form.

Convictions to
be filed.

Persons may
appeal to the
General Quar-
ter Sessions.

No. 3.
Act of Parl.
6 Geo. 4,
c. 129,
extended by
8 Vic. c. 1.

penal sum of ten pounds of lawful money of Great Britain, upon condition to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the said next General Sessions, or General Quarter Sessions, and to pay such costs as the said Court shall award on such occasion: and the Justices in the said next Court of General Sessions, or General Quarter Sessions, are hereby authorized and required to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable, to be paid by either party, which decision shall be final: and if, upon hearing the said appeal, the judgment of the Justices before whom the appellant shall have been convicted shall be affirmed, such appellant shall immediately be committed by the said Court to the common gaol, or house of correction, without bail or mainprize, according to such conviction, and for the space of time therein mentioned.

No master to
act as Justice.

XIII. That no Justice of the Peace, being also a master in the particular trade or manufacture in, or concerning which, any offence is charged to have been committed under this Act, shall act as such Justice under this Act.

SCHEDULE TO WHICH THIS ACT REFERS.

FORM OF CONVICTION AND COMMITMENT.

Be it remembered, that on the day of in the year of His Majesty's reign, and in the year of our Lord A. B. is convicted before us (*naming the Justices*), two of His Majesty's Justices of the Peace, for the county (*or riding, division, city, liberty, town or place,*) of of having (*stating the offence*) contrary to the Act made in the Sixth year of the reign of King George the Fourth, entitled, "An Act" (*here set forth the title of this Act*): and we, the said Justices, do hereby order and adjudge the said A. B., for the said offence, to be committed to, and confined in, the common gaol for the said county (*or riding, division, city, liberty, town, or place,*) for the space of or to be committed to the house of correction, at within the said county (*or riding, division, city, liberty, town, or place,*) there to be kept to hard labour for the space of Given under our hands, the day and year above written.

FORM OF COMMITMENT OF A PERSON SUMMONED AS A WITNESS.

Whereas, C. D. hath been duly summoned to appear and give evidence before us (*naming the Justices who issued the summons*), two of His Majesty's Justices of the Peace for the county (*or riding, division, city, liberty, town, or place*) of on this day of at being the time and place appointed for hearing and determining the complaint made by (*the informer* [or] *prosecutor*) before us, against A. B., of having (*stating the offence as laid in the information*), contrary to the Act made in the Sixth year of the reign of King George the Fourth, entitled, "An Act" (*here insert the title of this Act*). And whereas the said C. D. hath not appeared before us, at the time and place aforesaid specified for that purpose, or offered any reasonable excuse for his or her de-

fault; (*or*) And whereas, the said *C. D.*, having appeared before us, at the time and place aforesaid, specified for that purpose, hath not submitted to be examined as a witness, and give his, or her evidence before us, touching the matter of the said complaint, but hath refused so to do ; therefore, we, the said Justices, do hereby, in pursuance of the said statute, commit the said *C. D.* to the (*describing the prison*), there to remain, without bail or mainprize, for his or her contempt aforesaid, for three calendar months, or until he or she shall submit himself or herself to be examined, and give his or her evidence before us, touching the matter of the said complaint, or shall otherwise be discharged by due course of law ; and you, the (*constable or other peace officer or officers, to whom the warrant is directed*), are hereby authorized and required to take into your custody the body of the said *C. D.*, and him, or her, safely to convey to the said prison, and him or her there to deliver to the gaoler, or keeper thereof, who is hereby authorized and required to receive into his custody, the body of the said *C. D.*, and him or her safely to detain and keep, pursuant to this commitment.

Given under our hands, this day of
in the year of our Lord

[This commitment to be directed to the proper peace officer, and the gaoler or keeper of the prison.]

No. 3.
Act of Parl.
6 Geo. 4,
c. 129,
extended by
3 Vic. c. 1.

SUMMARY REMEDY IN CASE OF OCCUPATION OF LAND WITHOUT TITLE.

No. 4.—3 Vic. ch. 2. *An Act to provide a summary remedy against the Occupation of Land, by Persons having no Title to the same.*
(21st June, 1839.)

No. 4.
Act 3 Vic.
c. 2.

WHEREAS, sundry lands within these Your Majesty's Turks and Caicos Islands have been, and still are, occasionally occupied, and used by persons having no claim or pretence of title to, or right of occupation in the same, and it is necessary that provision be made for the prevention of such encroachments ; May it, &c., That the Stipendiary Justices of the Peace within the said islands, shall, in manner hereinafter mentioned, exercise a summary jurisdiction for the removal of all persons who have so taken, or shall take possession of any lands, *from the lands** of which they may so have taken, or shall take possession in such islands respectively, subject, nevertheless, to the provisions hereinafter mentioned.

PREAMBLE.

Summary jurisdiction to be exercised by Stipendiary Justices.

II. That for the purposes and within the meaning of this Act, the words "Stipendiary Justice" shall be construed, and understood to comprise such Justices only as being in the receipt of stipends, assigned for their maintenance, as such Justices shall be named, in any commission issued, or hereafter to be issued, in the name and on behalf of Her Majesty, appointing them to act as Stipendiary Justices for these islands or for any town, island, or district within the same.

III. That it shall be lawful for every such Stipendiary Justice

* The words in *italics* were originally omitted. See 2nd sec. 3 Vic. c. 37.

No. 4.
Act 8 Vic.
c. 2.

Stipendiary
Justices may
receive infor-
mation of any
unlawful pos-
session of land.

Stipendiary
Justices to
issue summons
for the appear-
ance of offend-
ers.

How to proceed
when they do
not appear.

Offenders, how
dealt with.

Persons not
giving up
lands, &c., how
dealt with.

Proviso in case
of five years'

of the Peace to receive any information which may be laid before him upon oath, charging any person or persons with having, without probable claim or pretence of title, entered upon, or taken possession of any lands in any of these islands: Provided, That if the lands mentioned or referred to in any such information, shall belong to, or be vested in Her Majesty, her heirs or successors, such information shall be preferred by the Surveyor-General of the colony, or by some person acting under his authority and on his behalf, but if the lands mentioned or referred to in any information shall belong to, or be vested in any body politic or corporate, or in any person or persons other than Her Majesty, her heirs or successors, such information shall be preferred by the owner or owners of such lands, or by some person or persons, who, as general or special agent, attorney, trustee, or otherwise, may be authorized to represent, and to act for and on behalf of such owner or owners, or by some person or persons who may be authorized by the Justices of the Supreme Court of the colony, to prefer such information.

IV. That every Stipendiary Justice before whom any such information shall be preferred, shall issue his summons for the appearance before him of the party or parties alleged to have so illegally entered upon or taken possession of such land, and of any other person or persons whom it may be necessary or proper to examine as a witness or witnesses, on the hearing of any such information, and shall proceed in a summary way, in the presence of the parties, or in case of the wilful absence of any person, against whom any such information shall have been laid, then, in his absence, to hear and determine such information; and in case, on the hearing thereof, it shall be made to appear, by sufficient evidence, to the satisfaction of such Justice, that the party or parties against whom the same shall have been laid, hath, or have entered upon, or taken possession of the land mentioned or referred to in such information without any probable claim or pretence of title, then such Justice is hereby authorized and required to make an order, directing such party or parties, to deliver up to Her Majesty, her heirs, or successors, or other, the owner or owners of such lands, or persons preferring the information, as the case may be, to be named in such order, peaceable possession of such lands, together with all crops growing thereon, and all buildings, or other immovable property, upon and affixed to, the said lands; and in case the party or parties against whom any such order shall have been made, shall not within a fortnight after service thereof, deliver up possession of the said lands and premises, pursuant to the said order, then, and in such case, it shall be lawful for such Justice to adjudge such party or parties to be imprisoned, with or without hard labour, for any time not exceeding fourteen days; and to make a further order for the immediate delivery over of the possession of such land and premises to Her Majesty, her heirs or successors, or other the body politic or corporate, or person or persons, whom such Justice may have found to be entitled to the possession thereof, and who shall be named in such further order; and the President shall thereupon cause possession thereof to be delivered to Her Majesty, her heirs or successors, or to such body politic or corporate, or person or persons accordingly.

V. That no such order for the delivery up of possession of any such lands shall be made by any such Justice as aforesaid, if it

shall appear to such Justice that the party or parties against whom any such order is sought hath or have been, by himself or themselves, or by those under whom he or they claim title, in the quiet possession of the land mentioned or referred to in any such information for five years* next before the date thereof, or that such party or parties hath or have any probable claim or pretence of lawful right to such lands, or to the occupation thereof.

VI. That, for the purpose of any such order, to be made by any such Justice, as aforesaid, the adjudication of such Justice shall be conclusive as to the title of the person to whom delivery of the said lands and premises may be directed to be made ; but nothing herein contained shall extend to take away or abridge the jurisdiction by law vested in the Superior Court of Civil Justice of the Colony, in taking cognizance of, and adjudicating upon, titles to land ; and any person against whom any such order, as aforesaid, may have been made, may, notwithstanding such order, proceed by the ordinary course of law to recover possession of such lands, in case he shall be able to establish a title thereto, and may also, in such case, recover a reasonable compensation for the damage he may have sustained by reason of his having been compelled to deliver up possession of the said premises ; and in the like manner, in case of the dismissal of any such information, the party having preferred the same may proceed before the ordinary tribunals, as if no such information had been preferred.

VII. Provided always, That in case any such information shall be dismissed, it shall be lawful for the said Justice, if he shall think fit, to order the person by whom the same may have been preferred, whether such information may have been preferred by the Surveyor-General or by any other person, to pay to the party or parties, against whom the same may have been preferred, such sum as the said Justices may consider to be the amount of costs fairly incurred by such party or parties by reason of such information so dismissed : and the payment of such costs may be enforced in the same way as the payment of other debts may be enforced within these islands.

VIII. And for securing method and accuracy in the execution, by the Stipendiary Justices, of the jurisdiction hereby vested in them ; Be it, &c., That the President shall cause to be prepared forms of the proceedings to be observed in lodging complaints ; in issuing summonses ; in the citation of witnesses ; in the making orders ; and generally for the complete carrying into execution of the powers hereby vested in the Stipendiary Justices ; which forms shall be submitted by such President to the Chief Justice ; and, having been approved of by such Chief Justice, the same shall be observed in all proceedings before the said Stipendiary Justices.

IX. That all such forms of proceedings shall, from time to time, be revised, repealed, or amended, by the authority and in the manner aforesaid, as occasion may require.

X. That no order made by any Stipendiary Justice, in the execution of the jurisdiction so vested in him, shall be liable to be reversed, set aside, appealed from, or questioned by any Court of Justice in the Colony ; but the same shall, to all intents and purposes, be binding, final, and conclusive ; subject, nevertheless, to

No. 4.
Act 3 Vic.
c. 2.

quiet possession.

The adjudication of Stipendiary Justices to be conclusive as to title.

Not, however, to prevent parties affected by such adjudication from trying their right in Superior Courts.

In cases of dismissal of information.

How payment is to be enforced.

The President to order forms to be prepared.

Forms may be revised, &c.

* Altered to one year by 3 Vic. c. 37.

No. 4.
Act 3 Vic.
c. 2.

Stipendiary
Justices enti-
tled to same
protection as
other Justices.

Who to be
deemed the
President.

the rights of the parties to proceed, as hereinbefore mentioned, before the ordinary tribunals of the colony.

XI. That for all acts done by any Stipendiary Justice in the exercise of the jurisdiction hereby vested in him, such Justice shall have and be entitled to the same protection and indemnity as, by any law in force in the Colony, any Magistrate is entitled to claim or to have in respect of any act done by him in execution of the powers vested by law in him.

XII. That for the purposes and within the meaning of this Act, the officer lawfully administering the Government of the Colony shall be deemed, and taken to be, the President thereof.

XIII. Repeals 4 Wm. 4, ch. 37.

No. 5.
Act 3 Vic.
c. 37.

No. 5.—3 Vic. ch. 37. *An Act to amend an Act, entitled "An Act to provide a summary remedy against the occupation of Land by Persons having no title to the same."* (February 20th, 1840.)

The 1st section
of original Act
explained.

I. This section, which protected persons being in possession of land for one year from being ejected by summary process, is altered by 7 Vic. c. 13, *post*, No. 6.

II. And whereas, in framing the first section of the Act to which this Act is an amendment, certain words were omitted, the omission of which has rendered the meaning of the said section obscure; for remedy whereof, Be it, &c., That from and after the passing of the Act, the said first section of the Act, to which this Act is an amendment, shall be construed in the same and in the like manner as if the said first section had been and was worded as follows, that is to say: "That the Stipendiary Justice of the Peace, within the said islands, shall, in manner hereinafter mentioned, exercise a summary jurisdiction for the removal of all persons, who have so taken or shall take possession of any lands, from the lands of which they may so have taken, or shall take, possession in such islands respectively, subject, nevertheless, to the provisions hereinafter mentioned."

No. 6.
Act 7 Vic.
c. 13.

No. 6.—7 Vic. ch. 13. *An Act to amend an Act, entitled "An Act to amend an Act entitled an Act to provide a summary remedy against the Occupation of Land by Persons having no title to the same."* (7th February, 1844.)

PREAMBLE.

Persons un-
lawfully intrud-
ing on land
may by sum-

WHEREAS, in and by the first section of an Act passed in the third year of your Majesty's reign, entitled "An Act to amend an Act entitled 'An Act to provide a summary remedy against the Occupation of Land by Persons having no title to the same,'" it is enacted, That from and after the first day of September next after the passing of the said Act it shall not be lawful for any Stipendiary Justice of the Peace to make any order under the Act to which the said Act is an amendment, for the delivering up of the possession of any lands whatsoever, if it shall appear to such Justice that the party or parties against whom any such order is sought hath or have been by himself or themselves, or by those under whom he or

they claim title in quiet possession of the land in respect of which such order is sought for one year next before the date of the information lodged before him by the party or parties claiming right or title thereto. And whereas, the period thus limited has been found to be too short; May it, &c., That the period named in the said first section of the said hereinbefore in part recited Act of the third year of Her Majesty's reign, shall be extended from the period of one to the period of two years.

No. 7.
Act 7 Vic.
c. 13.

Summary process
be ejected, if
not an occupant
of upwards of two
years.

No. 7.—8 Vic. ch. 46. *An Act to amend an Act entitled "An Act to provide a summary remedy against the Occupation of Land by Persons having no title to the same." (14th May, 1845.)*

No. 7.
Act 8 Vic.
c. 46.

WHEREAS, in and by the fourth section of an Act passed in the third year of Her Majesty's reign, entitled "An Act to provide a summary remedy against the Occupation of Land by Persons having no title to the same," it is amongst other things enacted, that in case the party or parties against whom any order shall be made under the said Act for the delivering up the possession of any lands, shall not within a fortnight after the service of such order deliver up possession of the lands in respect of which such order was made, that it shall be lawful for the Justice making the order to adjudge the party or parties disobeying the same to be imprisoned with or without hard labour for any time not exceeding fourteen days, but no provision is made for the punishment of a party or parties, who, having complied with any such order, shall nevertheless after having so complied again take possession of the same land; for remedy whereof, May it, &c., That if any party or parties against whom an order shall have been made by any Stipendiary Justice of the Peace under the authority of the Act to which this Act is an amendment, requiring him, her, or them, to deliver to any other party or parties peaceable possession of any land or lands, shall after having obeyed such order, again take possession of the same land or lands, in respect of which such order had originally been made or any part thereof, it shall be lawful for the Justice by whom such original order was made, or for any other Stipendiary Justice of the Peace, to adjudge the party or parties so offending, to be imprisoned, with or without hard labour, in any lawful place of confinement within these islands, for any term not exceeding one calendar month, and to make a further order for the immediate delivery of the possession of such land to the party or parties entitled thereto; and for every repetition of such offence, the party or parties offending shall be liable to be punished in the same and the like manner.

PREAMBLE.

Penalty on
persons repossessing themselves of lands from which they have been dispossessed by the order of a Stipendiary Justice.

VAGRANCY.

No. 8.—3 Vic. ch. 3. *An Act for the better Suppression of Vagrancy, and for the Punishment of Idle and Disorderly Persons, and Rogues, Vagabonds, and other Vagrants. (21st June, 1839.)*

No. 8.
Act 3 Vic.
c. 3.

WHEREAS, it is necessary that further provisions should be made for the suppression of vagrancy, and for the punishment of idle and disorderly persons, and rogues, vagabonds, and other

PREAMBLE.

No. 8.
Act 3 Vic.
c. 3.

Who shall be
deemed idle
and disorderly
persons.

Punishment of
same.

Proviso.

Who are to be
deemed rogues
and vaga-
bonds.

vagrants; May it, &c., That every person being able wholly, or in part, to maintain himself or herself, or his or her family, by labour, or by other means, and wilfully refusing or neglecting so to do, by which refusal, or neglect, he or she, or any of his, or her family, whom he or she may be legally bound to maintain, shall have become burthensome upon the public funds of this colony; every common prostitute, wandering in the public streets, or highways, or in any place of public resort within these islands, and behaving in a riotous or indecent manner; and every person wandering abroad, or placing himself, or herself, in any public place, street, wharf, highway, court, or passage, to beg, or gather alms; or causing, or procuring, or encouraging any child or children to do so, shall be deemed an idle and disorderly person, within the true intent and meaning of this Act: and it shall be lawful for any Stipendiary Justice of the Peace, to commit such offender, (being thereof convicted before him by his own view, or by the confession of such offender, or by the evidence upon oath of one or more credible witness or witnesses,) to any lawful place of confinement, there, or on the public streets, or highways, to be kept to hard labour, for any time not exceeding fourteen days: Provided, nevertheless, that no person shall be deemed to be an offender under this Act, by reason of any such begging, or gathering alms, as aforesaid, or by reason of his or her causing, or procuring, or encouraging, any child, or children, so to do, unless it shall be made to appear, to the satisfaction of the Stipendiary Justice before whom he or she shall be charged with such offence, that the offender, by his or her own labour, or by other lawful means, or from any public funds appropriated for that purpose, have been provided with the necessaries of life.

II. That every person committing any of the offences hereinbefore mentioned, after having been convicted as an idle and disorderly person; every person pretending, or professing, to tell fortunes, or using, or pretending to use, any subtle craft, or device, by palmistry, obeah, or any suchlike superstitious means, to deceive, and impose on any of Her Majesty's subjects, or upon any other person; every person wilfully exposing to view in any street, road, highway, or public place, any obscene print, picture, or other indecent exhibitions; every person wilfully, openly, and obscenely, exposing his, or her person, in any street, public road, or highway, or in view thereof, or in any public place of resort; every person endeavouring to procure charitable contributions, of any nature, or kind, under any false or fraudulent pretence; every person playing, or betting in any street, road, or highway, market, or wharf, or other open and public place, at, or with any table, or instrument of gaming, whatsoever, at any game, or pretended game of chance; every person having in his or her custody, or possession, any pick-lock, key, crow, jack-bit, or other implement, with intent, feloniously, to break into any dwelling-house, warehouse, store, shop, office, church, chapel, cellar, coachhouse, stable, or out-building; or being armed with any gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon; or having upon him or her, any instrument whatsoever, with intent to commit any felonious act; *every person being found in or upon any dwelling-house, warehouse, store, shop, office, church, chapel, cellar, coachhouse, stable, or outhouse, or in any enclosed yard, garden, orchard, plantation, or farm, for any felonious purpose; every suspected person, or reputed thief, frequenting*

No. 8.
Act 3 Vic.
c. 3.

*any wharf, or any warehouse, near or adjoining thereto, or any street, highway, or avenue, leading thereto, or any public auction, or sale, or other place of public resort, or any avenue leading thereto, or any street, highway, or place adjacent, with intent to commit felony;** and every person apprehended as an idle and disorderly person, and violently resisting any constable, or other peace officer, so apprehending him, or her, and being subsequently convicted of the offence for which he, or she, shall have been so apprehended, shall be deemed a rogue and a vagabond within the true intent and meaning of this Act. And it shall be lawful for any Stipendiary Justice of the Peace, to commit such offender (being thereof convicted before him, on his own view, or by the confession of such offender, or by the evidence, on oath, of one, or more, credible witness, or witnesses,) to any lawful place of confinement, as aforesaid, there, or on the public streets, roads, or highways, to be kept to hard labour, for any time not exceeding twenty-eight days; and every such pick-lock, key, crow, jack-bit, and other implement, and every such gun, pistol, hanger, cutlass, bludgeon, or other offensive weapon; and every such instrument, as aforesaid, shall, by the conviction of the offender, become forfeited to Her Majesty, and shall be forthwith sold, and the proceeds thereof, applied towards the expenses of the government of this colony.

Punishment.

III. That every person breaking, or escaping out of any place of legal confinement, before the expiration of the term for which he, or she, shall have been committed, or ordered to be confined, by virtue of this Act; every person committing any offence against this Act, which shall subject him or her to be dealt with as a rogue and vagabond, such person having been, at some former time, adjudged so to be, and duly convicted thereof; and every person apprehended as a rogue and vagabond, and violently resisting any constable or other peace officer so apprehending him, or her, and being subsequently convicted of the offence, for which he, or she, shall have been so apprehended, shall be deemed an incorrigible rogue, within the true intent and meaning of this Act: and it shall be lawful for any Stipendiary Justice of the Peace to commit such offender (being thereof convicted before him, on his own view, or by the confession of such offender, or by the evidence, on oath, of one or more credible witness, or witnesses,) to any lawful place of confinement, there to remain until the next ensuing term of the Superior Court of Criminal Justice for the jurisdiction, within which the offence shall have been committed, then and there to be dealt with as hereinafter directed; *and every such offender, who shall be so committed, shall be kept to hard labour during the period of his or her imprisonment.†*

Who shall be deemed incorrigible rogues.

Punishment of same.

IV. That it shall be lawful for any police, or other constable, or peace officer, to apprehend any person who shall be found offending against this Act, and, forthwith, to take, and convey him, or her, before some Stipendiary Justice of the Peace, to be dealt with in such manner, as hereinbefore directed; and in case any police, or other constable, or peace officer, shall refuse, or wilfully neglect, to take any such offender into his custody, and to take, and convey him, or her, before some Stipendiary Justice of the Peace, or shall

Police or other constables to apprehend offenders.

Punishment for refusing so to do.

* So much of this section as is printed in *italics* is repealed by 3 Vic. c. 34.

† So much of this section as is printed in *italics* is repealed by 3 Vic. c. 24.

No. 8.
Act 3 Vic.
c. 3.

not use his best endeavours to apprehend and convey before some such Justice, any person whom he shall find offending against this Act, it shall be deemed a neglect of duty in such police or other constable, or peace officer, and he shall, on conviction, be punished in such manner as hereinafter directed.

V. That it shall be lawful for any Stipendiary Justice of the Peace upon oath being made before him, that any person hath committed or is suspected to have committed any offence against this Act, to issue his warrant to apprehend and bring before him or some other Stipendiary Justice of the Peace the person so charged, to be dealt with as is directed by this Act.

Incorrigible
rogues intend-
ing to appeal,
must enter into
recognizance.

VI. That when any Stipendiary Justice as aforesaid, shall commit any such incorrigible rogue to prison, as aforesaid, there to remain until the next term of the Superior Court of Criminal Justice as aforesaid; or when any such idle and disorderly person, rogue, and vagabond, or incorrigible rogue, shall give notice of his or her intention to appeal against the conviction of him or her, and shall enter into recognizance as hereinafter directed, to prosecute such appeal, such Stipendiary Justice shall require the person or persons by whom such offender shall be apprehended, and the person or persons whose evidence shall appear to him to be material to prove the offence, and to support such conviction to become bound in recognizance to Her Majesty, her heirs, and successors, to appear at the next session of such Court, as the case may be, to give evidence against such offender touching such offence; and the Chief Justice or other presiding Judge of such Court is respectively hereby authorized and empowered, at the request of any person who shall have become bound in any such recognizance, to order the Receiver-General and Treasurer of the Colony, or the Receiver of Colonial Duties at Grand Cay, Turks Islands, to pay unto such prosecutor and unto the witness or witnesses on his or her behalf, such sum or sums of money as to such Chief Justice or other Judge may seem reasonable and sufficient to re-imburse such prosecutor and such witness or witnesses, for the expenses he, she, or they have been severally put to, and for his, her, or their trouble and loss of time in and about such prosecution; which order the Clerk of the Crown is hereby directed and required forthwith to make out and deliver to such prosecutor, or unto such witness or witnesses; and the said Receiver-General and Treasurer, or Receiver of Colonial Duties, as the case may be, is hereby authorized and required upon sight of such order, with the warrant of the President attached thereto, forthwith to pay unto such prosecutor or other person or persons authorized to receive the same, such money as aforesaid; and the said Receiver-General and Treasurer, or Receiver of Colonial Duties, as the case may be, shall be allowed the same in his account with the public: Provided that any such allowance to be made to parties, whether in the capacity of prosecutors or witnesses, shall not exceed that made by the existing laws to witnesses in attendance on the Supreme and other Courts of the Colony. And in case any such person or persons as aforesaid, shall refuse to enter into such recognizance, it shall be lawful for such Stipendiary Justice to commit such person or persons so refusing to any lawful place of confinement, there to remain until he, she, or they shall enter into such recognizance, or shall be otherwise discharged by due course of law.

Witnesses also.

Prosecutor and
Witnesses to be
paid.

Clerk of the
Crown to make
out order for
same.

How to be paid.

Proviso.

VII. That when any incorrigible rogue shall be committed to any lawful place of confinement, there to remain until the next term of such Superior Court, as aforesaid, it shall be lawful for the Justices or Justice of such Court, in term, to inquire into the circumstances of the case, and to order, if such Justices or Justice shall think fit, that such offender be further imprisoned in some lawful place of confinement, and there, or on the public streets or highways, to be kept to hard labour for any time not exceeding six calendar months, from the time of making such order.

VIII. That in case any constable or other peace officer shall neglect his duty in anything required of him by this Act ; or in case any person shall disturb or hinder any constable or other peace officer in the execution of this Act, or shall be aiding, abetting, or assisting therein, and shall be thereof convicted, upon the oath of one or more witness or witnesses, before one or more Stipendiary Justice or Justices of the Peace, every such offender shall for every such offence, forfeit any sum not exceeding Twenty pounds sterling ; and in case such offender shall not forthwith pay such sum so forfeited, the same shall be levied by distress and sale of the offender's goods, by warrant from such Stipendiary Justice or Justices ; and if sufficient distress cannot be found, it shall be lawful to commit the person so offending to any lawful place of confinement, there to be kept for any time not exceeding thirty days, or until such fine be sooner paid ; and the said Stipendiary Justice or Justices shall cause the said fine, when paid, to be paid over to the Receiver-General and Treasurer of the Colony, to be by him applied towards defraying the contingent expenses of the Government of this Colony.

IX. That it shall be lawful for any Stipendiary Justice of the Peace, upon information on oath before him made, that any person, hereinbefore described to be an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, is, or is reasonably suspected to be harboured or concealed in any house, or other place, by warrant under his hand and seal, to authorize any constable or other person or persons to enter at any time into such house or place, and to apprehend and bring before him, or any other Stipendiary Justice of the Peace, every such idle and disorderly person, rogue and vagabond, and incorrigible rogue, as shall be then and there found, to be dealt with in the manner hereinbefore directed.

X. That no proceedings to be had before any Stipendiary Justice or Justices of the Peace, under the provisions of this Act, shall be quashed for want of form ; and every conviction of any offender as an idle and disorderly person, or as a rogue and vagabond, or as an incorrigible rogue under this Act, shall be in the form, or to the effect set forth in the Schedule A hereunto annexed, or as near thereto as circumstances will permit : and the Stipendiary Justice or Justices of the Peace before whom such conviction shall take place, shall, and he and they is and are hereby required to transmit the said conviction to the Clerk of the Crown, at his office at Grand Cay, there to be filed and kept on record ; and a copy of the conviction so filed duly certified by the Clerk of the Crown, shall and may be read as evidence in any Court of Record, or before any Stipendiary Justice or Justices of the Peace, acting under the powers and provisions of this Act.

XI. That any person aggrieved by any act or determination of

No. 8.
Act 3 Vic.
c. 3.

Imprisonment
of incorrigible
rogues may be
extended.

Punishment
for Constables
refusing to
perform their
duty, and per-
sons disturbing
them in the
same.

Apprehension
of rogues when
concealed in a
house.

No proceedings
to be quashed
for want of
form.

Conviction to
be transmitted
to Clerk of the
Crown.
The same to be
received as
evidence.

No. 8.
Act 3 Vic.
c. 3.

Persons ag-
grieved may
appeal.
When notice of
such appeal is
to be given.

Proviso.

When prosecu-
tions are to be
commenced.

When and how
notice is to be
given.

When Plaintiff
cannot recover.

When Defend-
ant shall re-
cover costs.

Appointment
of Constables.

Who only shall
act as Stipen-
diary Justices.

Acts repealed.

any Stipendiary Justice or Justices of the Peace, in or concerning the execution of this Act, may appeal to the Supreme Court, giving to the Stipendiary Justice or Justices of the Peace, whose act or determination shall be appealed against, notice in writing of such appeal and of the ground thereof, and entering within seven days into a recognizance with sufficient sureties before a Stipendiary Justice of the Peace, personally to appear and prosecute such appeal; and upon such notice being given and such recognizance being entered into, such Stipendiary Justice is hereby empowered to discharge such person out of custody, and the Court to whom any such appeal shall be made, shall hear and determine the matter of such appeal, and shall make such order therein, as shall to the said Court seem meet; and in case of the dismissal of the appeal or the affirmance of the conviction, shall issue the necessary process for the apprehension and punishment of the offender, according to the conviction: Provided always, That such appellant shall be bound to prosecute his or her said appeal, at the next sitting of the said Court, in case such sitting shall not happen within the said period of seven days: but if such sitting shall be had within such seven days, then at the next succeeding term of the said Court, and not afterwards.

XII. And for the protection of persons acting in the execution of this Act, it is further enacted, That all actions or prosecutions to be commenced against any such person or persons for anything done in pursuance of this Act, shall be laid and tried in the Supreme Court of these islands, and shall be commenced within three calendar months after the fact committed, and not otherwise; and notice, in writing, of such action, and of the cause thereof, shall be given to the defendant, one calendar month, at least, before the commencement of the action: and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action is brought: or if a sufficient sum of money shall have been paid into Court, after such action brought by, or on behalf of, the defendant: and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue any such action, after issue joined, the defendant shall recover treble costs, and have the like remedy for the same as any defendant hath, in law, in other cases: and though a verdict be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Court, before which the trial shall be, shall certify their approbation of the action.

XIII. That it shall and may be lawful for any two or more Stipendiary Justices of the Peace at any time to nominate and appoint any discreet person or persons to be constables, or peace officers, for the purposes of this Act, and to swear him or them, to the due execution of his or their office.

XIV. That no person shall act or be considered as a Stipendiary Justice within the meaning of this Act, save only such persons as being in the receipt of stipends, assigned for their maintenance as such Justices, shall be named in any commission issued, or hereafter to be issued, in the name and on the behalf of Her Majesty, appointing them to act as Stipendiary Justices for this colony, or for any town, island, or district thereof.

XV. That the first, second, and third sections of an Act of the General Assembly of these islands, made in the Fourth year of the

reign of His late Majesty, King William the Fourth, to prevent the resort of rogues, vagabonds, and other idle and disorderly persons, to the Bahama Islands, for the punishment and correction of certain offences therein specified, and for other purposes therein mentioned : and all that other Act of the said General Assembly, made in the Fifth year of His said late Majesty's reign, to amend the said last-mentioned Act : and all other laws or parts of laws which are in any wise repugnant to, or inconsistent with, this Act, shall be, and the same are, hereby repealed.

**No. 8.
Act 3 Vic.
c. 3.**

5 W. 4, c. 17.

XVI. That this Act shall commence and take effect in all islands of the colony from and after the first day of September, One thousand eight hundred and thirty-nine.

XVII. This clause, which was a duration clause of five years, is repealed by 3 Vic. ch. 34.

SCHEDULE A.

TURKS AND CAICOS ISLANDS, TO WIT :

Be it remembered, that on the _____ day of _____ in the year of Our Lord _____ at _____ A. B. is convicted before me, C. D., one of Her Majesty's Stipendiary Justices of the Peace, in and for the Turks and Caicos Islands, of being an idle and disorderly person, or a rogue and vagabond, or an incorrigible rogue, within the intent and meaning of the Act of Assembly, made in the _____ year of the reign of Her Majesty, Queen Victoria, entitled, "An Act," (*here insert the title of this Act,*) that is to say, for that the said A. B., on the _____ day of _____ at _____ in the said Turks and Caicos Islands (*here state the offence proved before the magistrate*), and for which said offence the said A. B. is ordered to be committed to _____ (*there, or on the public streets and highways*), to be kept to hard labour for the space of _____ (*or until the next term of the Supreme or other Court*).

Given under my hand and seal, the day, and year, at the place first above written.

No. 9.—3 Vic. ch. 34. *An Act to amend 3 Vic. ch. 3.*
(20th February, 1840.)

No. 9.
Act 3 Vic.
c. 34.

This Act merely repeals parts of the 2nd and 3rd Sections, and the whole of the 17th Section of 3 Victoria, ch. 3. See notes to 2nd and 3rd Sections, as also remark at the 17th Section.

No. 10.—9 Vic. ch. 12. *An Act to amend 3 Vic. ch. 3.*
(3rd February, 1846.)

No. 10.
Act 9 Vic.
c. 12.

WHEREAS, evil-disposed persons are frequently found at night loitering in and about dwelling and other houses, and in yards and other enclosures, without being able to give any lawful excuse for there being ; and it is expedient that some certain punish-

PREAMBLE.

No. 10.
Act 9 Vic.
c. 12.

Every person found in or upon any dwelling-house, &c., between sunset and sunrise, without lawful cause, to be deemed a rogue and vagabond.

ment should be annexed to the commission of such offence; May it, &c., That every person who shall be found in or upon any dwelling-house, warehouse, store, shop, office, church, chapel, or outhouse attached to any dwelling-house, or in any enclosed yard, garden, orchard, plantation, or field, between the setting and rising of the sun (such person not being the owner or occupier, or an inmate or member of the family of the owner or occupier of the premises in question,) without being able to give a lawful excuse for being so there, shall be deemed a rogue and vagabond within the true intent and meaning of the Act to which this Act is an amendment, and shall be liable to be punished as is in and by the said Act directed and provided for.

II. Repeals 7 Vic. ch. 19.

CLASS XI.

LAWS RELATING TO THE DUTIES OF JUSTICES IN THE GENERAL COMMISSION OF THE PEACE.

No. 1.
Act 8 Vic.
c. 4.

PREAMBLE.

Tribunals authorized to impose fines may in their discretion mitigate the amount in each case.

No. 1.—8 Vic. ch. 4. *An Act to authorize the mitigation of pecuniary Penalties in certain cases.* (11th February, 1845.)

WHEREAS, by various laws now in force in the colony specific pecuniary penalties are imposed as punishments for the commission of particular offences without any power being vested in the tribunal before which a conviction shall take place, to mitigate or reduce the amount of such penalties according to the circumstances of the case; and whereas, it is expedient that such a power should be given by law; May it, &c., That whenever by any law now in force in the colony, a specific pecuniary penalty is annexed to the commission of an offence, it shall be lawful for the tribunal before which any conviction for such offence shall take place to impose the full pecuniary penalty fixed by such law, or to mitigate the amount thereof to such lesser sum as such tribunal may, in its discretion under the particular circumstances of each case deem to be a proper amount of punishment for the offence committed, and the payment of every such mitigated penalty shall be enforced in the same and the like manner as the specific penalty for the same offence may be enforced.

No. 2.
Act 10 Vic.
c. 11.

No. 2.—10 Vic. ch. 11. *An Act for the better regulating Appeals in cases of Summary Conviction.* (26th February, 1847.)

This Act is in substance the same as No. 4 of this Class: it is therefore not necessary to insert it at length.

No. 3.
Act 11 Vic.
c. 25.

PREAMBLE.

No. 3.—11 Vic. ch. 25. *An Act for the more speedy Trial and Punishment of Juvenile Offenders.* (19th April, 1848.)

WHEREAS, in order in certain cases to insure the more speedy trial of juvenile offenders, and to avoid the evils of their long imprisonment previously to trial, it is expedient to allow such

offenders being proceeded against in a more summary manner than is now by law provided, and to give further power to bail them; May it, &c., that every person who shall subsequently to the passing of this Act, be charged with having committed, or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any offence which now is, or hereafter shall or may be by law deemed or declared to be simple larceny, or punishable as simple larceny, and whose age at the period of the commission, or attempted commission of such offence, shall not, in the opinion of the Justices before whom he or she shall be brought or appear as hereinafter mentioned, exceed the age of fourteen years, shall upon conviction thereof, upon his own confession or upon proof before any two or more Justices of the Peace, be committed to the common gaol or house of correction within the jurisdiction of such Justices, there to be imprisoned, with or without hard labour, for any term not exceeding three calendar months, or in the discretion of such Justices shall forfeit and pay such sum not exceeding three pounds, as the said Justices shall adjudge, or, if a male, shall be once privately whipped, either instead of, or in addition to such imprisonment, or imprisonment with hard labour, and the said Justices shall from time to time appoint some fit and proper person, being a constable, to inflict the said punishment of whipping when so ordered to be inflicted out of prison: Provided always, That if such Justices upon the hearing of any such case shall deem the offence not to be proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged, on finding surety or sureties for his future good behaviour, or without such sureties, and then make out and deliver to the party charged, a certificate, under the hands of such Justices, stating the fact of such dismissal, and such certificate shall and may be in the form or to the effect set forth in the Schedule hereto annexed in that behalf: Provided also, that if such Justices shall be of opinion before the person charged shall have made his or her defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged shall, upon being called upon to answer the charge, object to the case being summarily disposed of under the provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed.

II. That any two or more Justices of the Peace, before whom any such persons, as aforesaid, charged with any offence made punishable under this Act, shall be brought or appear, are hereby authorized to hear and determine the case under the provisions of this Act.

III. That every person who shall have obtained such certificate of dismissal as aforesaid, and every person who shall have been convicted under the authority of this Act, shall be released from all further or other proceedings for the same cause.

IV. And for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act, Be it enacted, That where any person whose age is alleged not to exceed fourteen years, shall be charged with any such offence, on the oath of a credible witness, before any Justice of the Peace, such Justice may issue his summons or warrant to summon or to apprehend the person so charged to appear before any two Justices of the Peace, at a time and place to be named in such summons or warrant.

No. 3.
Act 11 Vic.
c. 25.

Corporal punishment may be inflicted on male persons under fourteen years of age convicted summarily of larceny.

Jurisdiction of two or more Justices.

After conviction or acquittal proceedings final.

Mode of proceeding.

No. 3.
Act 11 Vic.
c. 25.

Persons ac-
cused may be
remanded for
further exami-
nation or trial.

V. That any Justice or Justices of the Peace, if he or they shall think fit, may remand for further examination, or for trial, or suffer to go at large upon his or her finding sufficient surety or sureties, any such person, as aforesaid, charged before him or them with any such offence, as aforesaid, and every such surety shall be bound by recognizance, to be conditioned for the appearance of such person before the same or some other Justice or Justices of the Peace, for further examination, or for trial before two or more Justices of the Peace, or for trial at some Superior Court, as the case may be; and every such recognizance may be enlarged, from time to time, by any such Justice or Justices to such further time as he or they shall appoint, and every such recognizance which shall not be enlarged shall be discharged without fee or reward, when the party shall have appeared according to the condition thereof.

Appropriation
of fines.

VI. That every fine imposed by any Justices under the authority of this Act, shall be paid to one of the convicting Justices, and shall be by him paid over into the Public Treasury of the Turks and Caicos Islands, in aid of the support of Her Majesty's government therein, and the contingent expenses thereof.

Attendance of
witnesses.

VII. That it shall be lawful for any Justice of the Peace, by summons, to require the attendance of any person as a witness upon the hearing of any case before two Justices, under the authority of this Act, at a time and place to be named in such summons; and such Justice may require, and bind by recognizance, all persons whom he may consider necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; and in case any person so summoned, or required, or bound, as aforesaid, shall neglect or refuse to attend in pursuance of such summons or recognizance, then, upon proof being first given of such person having been duly summoned, as hereinafter mentioned, or bound by recognizance, as aforesaid, it shall be lawful for the Justices before whom any such person ought to have attended, to issue their warrant to compel his appearance as a witness.

Mode of service
of Summons.

VIII. That every summons issued under the authority of this Act may be served by delivering a copy of the summons to the party, or by delivering a copy of the summons to some inmate at such party's usual place of abode, and every person so required by any writing under the hand or hands of any Justice or Justices to attend and give evidence, as aforesaid, shall be deemed to have been duly summoned.

Form of con-
viction.

IX. That the Justices before whom any person shall be summarily convicted of any such offence as hereinbefore mentioned, may cause the conviction to be drawn up in the form of words set forth in the schedule to this Act annexed, or in any other form of words to the same effect, which conviction shall be good and effectual to all intents and purposes.

Conviction not
to be quashed
for want of
form.

X. That no such conviction shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any defect therein; provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Convictions to
be transmitted

XI. That the Justices of the Peace before whom any person shall be convicted under the provisions of this Act shall forthwith

thereafter transmit the conviction to the Clerk of the Crown, to be by him kept among the records of the Supreme Court of these islands, and upon any indictment or information against any such person for a subsequent offence, a copy of such conviction, certified by the said Clerk of the Crown, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.

XII. That no conviction under the authority of this Act shall be attended with any forfeiture, but whenever any person shall be deemed guilty under the provisions of this Act, it shall be lawful for the presiding Justices to order restitution of the property, in respect of which such offence shall have been committed, to the owner thereof or his representatives, and, if such property shall not then be forthcoming, the same Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and, if they think proper, order payment of such sum of money to the true owner by the person or persons convicted, either at one time, or by instalments at such periods as the Court may deem reasonable, and the party or parties so ordered to pay shall be liable to be sued for the same, as a debt, in any Court in which debts may be by law recovered, with costs of suit, according to the practice of such Court.

XIII. That, whenever any Justices of the Peace shall adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty shall not be forthwith paid, it shall be lawful for such Justices, if they shall deem it expedient, to appoint some future day for the payment of such penalty, and to order the offender to be detained in safe custody until the day so to be appointed, unless such offender shall give security to the satisfaction of such Justices for his or her appearance on such day, and such Justices are hereby empowered to take such security by way of recognizance, or otherwise, at their discretion; and if at the time so appointed such penalty shall not be paid, it shall be lawful for the same or any other Justices of the Peace, by warrant under their hands and seals, to commit the offender to the common gaol, or house of correction, within their jurisdiction, there to remain for any time not exceeding three calendar months, reckoned from the day of such adjudication, such imprisonment to cease on payment of the said penalty.

XIV. And for the protection of persons acting in the execution of this Act, be it enacted, that all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be commenced within six calendar months after the fact committed, and not otherwise; and notice, in writing, of such action or prosecution and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action or prosecution, and in any such action the defendant may plead the general issue, and give this Act, and the special matter in evidence at any trial to be had thereupon, and no plaintiff shall recover in any way such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or

No. 8.
Act 11 Vic.
c. 25.

to Clerk of
Court.

Restitution of
stolen prop-
erty.

Pecuniary
penalties im-
posed and not
paid, a limited
period of im-
prisonment
may be sub-
stituted.

Protection of
persons acting
under this Act.

No. 3.
Act 11 Vio.
c. 25.

discontinue any such action or prosecution after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in such action, the plaintiff shall not have costs against the defendant unless the Judge, before whom the trial shall be, shall certify his approbation of the action and of the verdict obtained thereupon.

Appeal to the
Supreme Court.

XV. Provided always, That in all cases of conviction under this Act, the parties convicted shall have a right to appeal against such conviction to the Supreme Court according to the provisions of an Act passed in the tenth year of Her Majesty's reign, entitled, "An Act for the better regulating Appeals in cases of Summary Conviction."

Forms.

SCHEDULE OF FORMS TO WHICH THIS ACT REFERS.

FORM OF CERTIFICATE OF DISMISSAL.

Certificate of
dismissal.

We, _____ of Her Majesty's Justices of the Peace for one of the said Turks and Caicos Islands, do hereby certify, that on the _____ day of _____ in the year of our Lord _____ at _____ in the said islands, *M. N.* was brought before us the said Justices, charged with the following offence, that is to say, *(here state briefly the particulars of the charge)* and that we the said Justices thereupon dismissed the said charge.

Given under our hand this _____ day of _____

FORM OF CONVICTION.

Conviction.

Be it remembered, That on the _____ day of _____ in the year of our Lord one thousand eight hundred and _____ at _____ in the said Turks and Caicos Islands, *A. O.* is convicted before us, *I. P.* and *Q. R.*, two of Her Majesty's Justices of the Peace for _____, one of the said islands, for that the said *A. O.* did *(specify the offence, and the time and place when and where the same was committed, as the case may be, but without setting forth the evidence,)* and we, the said *I. P.* and *Q. R.*, adjudge the said *A. O.*, for his said offence, to be imprisoned in the _____, *(or, to be imprisoned in the _____, and there kept to hard labour, for the space of _____; or, we adjudge the said A. O., for his said offence, to forfeit and pay _____;—here state the penalty actually imposed,)* and in default of immediate payment of the said sum to be imprisoned in the _____, *(or, to be imprisoned in the _____, and there kept to hard labour,)* for the space _____, unless the said sum shall be sooner paid.

Given under our hands and seals the day and year first above mentioned.

APPEALS FROM SUMMARY CONVICTIONS.

No. 4.—ORDINANCE No. 16 of 1849.

No. 4.
Ord. No. 16,
1849.

An Ordinance for regulating Appeals in cases of Summary Convictions. (Passed 25th Oct., 1849. Confirmed 30th July, 1850.)

WHEREAS by divers Ordinances passed during this present session of the Legislative Council of this Presidency, Justices of the Peace are invested with the power of hearing and finally adjudicating on various minor criminal offences and misdemeanours, and it is expedient that efficient regulations should be made in order to insure the due administration of justice in such cases, and to secure to persons summarily convicted the power of appealing from such conviction to a higher tribunal; May it, &c., That in every case of summary conviction before a Justice or Justices of the Peace within these islands, in which the right of appeal is not otherwise provided for by law, the party or parties convicted shall have the right to appeal against such conviction to the Court of Criminal Justice and Common Pleas: Provided always, That such party or parties shall give notice to the convicting Justice or Justices immediately after such conviction, of his, her, or their intention to appeal, and shall enter into satisfactory security before such convicting Justice or Justices for his, her, or their appearance in the said Court of Criminal Justice and Common Pleas, to try such appeal, and to abide the judgment of the said Court thereon. And upon such security being given, the convicting Justice or Justices shall abstain from carrying the sentence appealed against into execution, and shall, without delay, transmit a copy of the conviction, as also copies of the depositions or the minutes of evidence upon which such convictions took place to the Clerk of the Crown at Grand Cay.

PREAMBLE.

Appeal allowed on Summary Convictions before Justices of the Peace, to the Superior Court. Appellant to give notice and enter into security to try Appeal.

II. And be it further ordained, that every person who shall give notice of appeal under this Ordinance, shall, if a resident of Grand Cay, within ten days after such notice, or if a resident of any other island within this Presidency, within thirty days after such notice, file a petition in the office of the said Clerk of the Crown, setting forth the grounds of such appeal, and praying the said Court to set aside the conviction appealed against: Provided always, That nothing herein contained shall be construed to preclude the appellants in any case from entering into a full defence on its merits, and of adducing further and other evidence than that given on the previous trial; but it shall and may be in the discretion of the Court, in any case where it shall be deemed conducive to the ends of justice, either on the part of the appellant or respondent to call for any legal evidence which to the said Court of Appeal shall appear to be necessary for attaining such ends.

Petition to be filed with the Clerk of the Crown.

III. And be it further ordained, that it shall be the duty of any and every Justice or Justices of the Peace before whom any party or parties shall be summarily tried and convicted, immediately after the conclusion of such trial, distinctly and openly to state to the party or parties so convicted that they have a right to appeal from the decision which such Justice or Justices has or

Convicting Justices to inform parties of their right of Appeal.

No. 4.
Ord. No. 16,
1841.

In cases of
Appeal, parties
to be furnished
with copies of
evidence.
Costs of Appeal.

have so pronounced against him, her, or them; and a note of every such statement shall be made by such convicting Justice.

IV. And be it further ordained, that every person who, being summarily tried and convicted, shall appeal from such conviction, shall be entitled, on demand, to be furnished by the convicting Justice or Justices, with copies of the depositions or minutes of evidence on which such conviction took place.

V. And be it further ordained, that whenever any such conviction shall be affirmed by the Court of Appeal, it shall be lawful for such Court to confirm the same with costs, and, if necessary, to issue process in the nature of a writ of attachment, for carrying such confirmed conviction into execution.

No. 5.
Ord. No. 4,
1855.

No. 5.—ORDINANCE No. 4 of 1855.

An Ordinance to protect Justices of the Peace from vexatious actions for acts done by them in execution of their office. (Passed 3rd July, 1855. Confirmed 11th January, 1856.)

PREAMBLE.

Allegation of malice necessary before an Action can be entered against any Justice in the Supreme Court.

WHEREAS it is expedient to protect Justices of the Peace in the execution of their duty; May it, &c.

I. That every action hereafter to be brought against any Justice of the Peace, for any act done by him in the execution of his duty as such Justice, with respect to any matter within his jurisdiction as such Justice, shall be an action on the case as for a tort, and shall be brought in the Supreme Court of these islands, and in the declaration it shall be expressly alleged that such act was done maliciously, and without reasonable and probable cause, and if at the trial of any such action, upon the general issue being pleaded, the plaintiff shall fail to prove such allegation, he shall be nonsuit, or a verdict shall be given for the defendant.

Justice exceeding his jurisdiction, Action may be entered against him without allegation of malice.

II. That for any act done by a Justice of the Peace in a matter of which by law he has not jurisdiction, or in which he shall have exceeded his jurisdiction, any person injured thereby or by any act done under any conviction or order made or warrant issued by such Justice in any such matter, may maintain an action against such Justice in the aforesaid Supreme Court, in the same form and in the same case as he might have done before the passing of this Ordinance without making any allegation in his declaration that the act complained of was done maliciously and without reasonable and probable cause: Provided nevertheless, That no such action shall be brought for anything done under such conviction or order until after such conviction shall have been quashed, either upon appeal or upon application to Her Majesty's Supreme Court of these islands, nor shall any such action be brought for anything done under any such warrant, which shall have been issued by such Justice to procure the appearance of such party, and which shall have been followed by a conviction or order in the same matter, until after such conviction or order shall have been so quashed, as aforesaid, or if such last-mentioned warrant shall not have been followed by any such conviction or order, or if it be a warrant upon an information for an alleged offence triable in a superior Court, nevertheless if a summons were issued previously to such

Proviso.

warrant, and such summons was served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode, and he did not appear according to the exigency of such summons, in such case no such action shall be maintained against such Justice for anything done under such warrant.

No. 5.
Ord. No. 4,
1855.

III. That where a conviction or order shall be made by one or more Justice or Justices of the Peace, and a warrant of distress or of commitment shall be granted thereon, by some other Justice of the Peace, *bonâ fide* and without collusion, no action shall be brought against the Justice who so granted such warrant by reason of any defect in such conviction or order, or for any want of jurisdiction in the Justice or Justices who made the same, but the action, if any, shall be brought against the Justice or Justices who made such conviction or order.

Action to be brought against the Justice making alleged erroneous conviction in cases where another Justice acts on such conviction.

IV. And whereas, it would conduce to the advancement of justice, and render more effective and certain the performance of the duties of Justices, and give them protection in the performance of the same, if some simple means not attended with much expense were devised; by which the legality of any act to be done by such Justices might be considered and adjudged by a Court of competent jurisdiction, and such Justice enabled and directed to perform it without risk of any action or other proceeding being brought or had against him. Be it therefore ordained, that in all cases where a Justice or Justices of the Peace shall refuse to do any act relating to the duties of his or their office, as such Justice or Justices, it shall be lawful for the party requiring such act to be done, to apply to Her Majesty's Supreme Court of these islands, or to the Judge thereof at chambers, upon an affidavit of the facts, for a rule calling upon such Justice or Justices, and also the party to be affected by such act, to show cause why such act should not be done, and if after due service of such rule good cause shall not be shown against it, the said Court or the Judge, as the case may be, may make the same absolute with, or without, or upon payment of costs, as to them shall seem meet, and the said Justice or Justices, upon being served with such rule absolute, shall obey the same, and shall do the act required, and no action or proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices for having obeyed such rule, and done such act so thereby required as aforesaid.

Justice refusing to act, party complaining may apply to Supreme Court to grant a compulsory rule directed to such Justice.

V. That in all cases where a warrant of distress or warrant of commitment shall be granted by a Justice of the Peace, upon any conviction or order which, either before or after the granting of such warrant, shall have been, or shall be confirmed upon appeal, no action shall be brought against such Justice who so granted such warrant, for anything which may have been done under the same, by reason of any defect in such conviction or order.

No Action to be brought against Justice granting Warrant of Distress on conviction affirmed upon appeal.

VI. That in all cases where, by this Ordinance it is ordained, that no action shall be brought under particular circumstances, if any such action shall be brought, it shall be lawful for the Judge of the aforesaid Supreme Court, upon application of the defendant and upon an affidavit of facts, to set aside the proceedings in such action, with or without costs, as to him shall seem meet.

Lawful for the Judge to set aside Actions brought in opposition to this Ordinance.

VII. That no action shall be brought against any Justice of the Peace for anything done by him in the execution of his office,

No. 5.
Ord. No. 4,
1855.

Mode of
bringing Action
against
Justices.

After notice of
Action, manner
of proceeding
in such case.

Nonsuit or
verdict for De-
fendant in cer-
tain cases.

In what cases
Plaintiff enti-
tled to recover
damages.

unless the same be commenced within six calendar months next after the act complained of shall have been committed.

VIII. That no such action shall be commenced against any such Justice of the Peace until one calendar month at least after a notice in writing of such intended action shall have been delivered to him, or left for him at his usual place of abode, by the party intending to commence such action, or by his attorney or agent, in which said notice the cause of action shall be clearly and explicitly stated; and upon the back thereof shall be endorsed the name and place of abode of the party so intending to sue; and also the name and place of abode, or of business, of the said attorney or agent, if such notice have been served by such attorney or agent.

IX. That in every such case after notice of action shall be so given as aforesaid, and before such action shall be commenced, such Justice to whom such notice shall be given, may tender to the party complaining, or to his attorney or agent, such sum of money as he may think fit, as amends for the injury complained of in such notice, and after such action shall have been commenced, and at any time before issue joined therein, such defendant, if he have not made such tender, or in addition to such tender, shall be at liberty to pay into Court such sum of money as he may think fit, and which said tender and payment of money into Court, or either of them, may afterwards be given in evidence by the defendant at the trial under the general issue aforesaid; and if the jury at the trial shall be of opinion that the plaintiff is not entitled to damages beyond the sum so tendered or paid into Court, then they shall give a verdict for the defendant, and the plaintiff shall not be at liberty to elect to be nonsuit, and the sum of money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the defendant's costs in that behalf, shall thereupon be paid out of Court to him, and the residue, if any, shall be paid to the plaintiff; or if, where money is so paid into Court, in any such action, the plaintiff shall elect to accept the same in satisfaction of his damages in the said action, he may obtain from the Judge of the Court in which such action shall be brought, an order that such money shall be paid out of Court to him, and that the defendant shall pay him his costs, to be taxed; and thereupon the said action shall be determined; and such order shall be a bar to any other action for the same cause.

X. That if at the trial of any such action, the plaintiff shall not prove that such action was brought within the time hereinbefore limited in that behalf, or that such notice as aforesaid was given one calendar month before such action was commenced, or if he shall not prove the cause of action stated in such notice, then and in every such case, such plaintiff shall be nonsuit, or the jury shall give a verdict for the defendant.

XI. That in all cases where the plaintiff in any such action shall be entitled to recover, and he shall prove the levying or payment of any penalty, or sum of money, under any conviction or order, as parcel of the damages he seeks to recover, or if he prove that he was imprisoned under such conviction or order, and shall seek to recover damages for any such imprisonment, he shall not be entitled to recover the amount of such penalty, or sum so levied or paid, or any sum beyond the sum of twopence, as damages for such imprisonment, or any costs of suit whatsoever, if it shall be

proved that he was actually guilty of the offence of which he was so convicted, or that he was liable by law to pay the sum he was so ordered to pay, and (with respect to such imprisonment) that he had undergone no greater punishment than that assigned by law, for the offence of which he was so convicted, or for non-payment of the sum he was so ordered to pay.

XII. That if the plaintiff, in any such action shall recover a verdict, or the defendant shall allow judgment to pass against him by default, such plaintiff shall be entitled to costs, in such manner as if this Ordinance had not been passed; or if in such case it be stated in the declaration that the act complained of was done maliciously and without reasonable and probable cause, the plaintiff, if he recover a verdict for any damages, or if the defendant allow judgment to pass against him by default, shall be entitled to his full costs of suit; and in every action against a Justice of the Peace for anything done by him in the execution of his office, the defendant, if he obtain judgment upon verdict, or otherwise, shall in all cases be entitled to his full costs in that behalf.

XIII. That from and after the commencement of this Ordinance no action shall be brought against any constable or other peace officer, or against any person or persons acting by his order and in his aid, for anything done in obedience to any warrant under the hand or seal of any Justice of the Peace, until demand hath been made or left at the usual place of his abode by the party or parties intending to bring such action, or by his or their attorney or agent in writing, signed by the party demanding the same, of the perusal and copy of such warrant, and the same hath been refused or neglected for the space of six days after such demand, and in case, after such demand and compliance therewith, by showing the said warrant to, and permitting a copy to be taken thereof by the party demanding the same, any action shall be brought against such constable or other peace-officer, or against such person or persons acting in his aid, for any such cause as aforesaid, without making the Justice or Justices who signed or sealed the said warrant defendant, or defendants, then on producing or proving such warrant at the trial of such action, the jury shall give their verdict for the defendant, or defendants, notwithstanding any defect of jurisdiction in such Justice or Justices; and if such action be brought jointly against such Justice or Justices, and also against such constable or other peace-officer, or person or persons acting in his or their aid as aforesaid, then, on proof of such warrant, the jury shall find for such constable, or other peace-officer, and for such person and persons so acting as aforesaid; notwithstanding such defect of jurisdiction as aforesaid; and if the verdict shall be given against the Justice or Justices, then in such case, the plaintiff or plaintiffs shall recover his or their costs against him or them, to be taxed in such manner by the proper officer as to include such costs as such plaintiff or plaintiffs are liable to pay to such defendant or defendants for whom such verdict shall be found as aforesaid.

XIV. That from and after the time this Ordinance shall take effect the following statutes, and parts of statutes, except so far as they repeal other statutes, shall be, and the same are here repealed, that is to say, so much of an Act of the General Assembly of the Bahama Islands (extended to this Colony by the eleventh Victoria, chapter 1) passed in the fortieth year of the reign of his late

No. 5.
Ord. No. 4,
1855.

When Plaintiff
entitled to
Costs.

And when de-
fendant.

Actions against
Constables not
to be brought
in certain cases.

Repeals so
much of decla-
rations of Act
40 G. 3, c. 2,
as declares the
following Acts
of Parliament
to be in force
here, viz. :

No. 5.
Ord. No. 4,
1855.

31 Eliz. c. 5.

7 Jas. 1, c. 5.

24 G. 2, c. 44.

27 G. 2, c. 20.

Also so much
of Act of As-
sembly 4 W. 4,
c. 25, as re-
lates to Bail.

So much of
declarations
Act 4 Vic. c. 30
as gives the
force of law in
this colony to
the 2nd, 3rd, &
4th sections of
the Act, part
6 & 7 W. 4,
c. 114.

Majesty, George the Third, entitled "An Act to declare how much of the Laws of England are practicable within the Bahama Islands, and ought to be in force within the same," as declares the following statutes and parts of statutes hereinafter enumerated and set forth to be in force within these islands, that is to say, all that Act passed in the thirty-first year of the reign of Her Majesty Queen Elizabeth, entitled "An Act concerning Informers;" also all that Act passed in the seventh year of the reign of His Majesty King James the First, entitled 'An Act for Ease in pleading troublesome and contentious Suits prosecuted against Justices of the Peace, Mayors, Constables, and certain other His Majesty's Officers, for the lawful execution of their office;" also all that Act passed in the twenty-fourth year of His Majesty King George the Second, entitled "An Act for rendering Justices of the Peace more safe in the execution of their Offices, and for indemnifying Constables and others acting in obedience to their Warrants," and also all that Act passed in the twenty-seventh year of the reign of His said Majesty King George the Second, entitled "An Act for the more easy and effectual proceeding upon Distresses to be made by Warrants of Justices of the Peace;" also so much of another Act of the General Assembly of the Bahama Islands, passed in the fourth year of the reign of His Majesty King William the Fourth, entitled "An Act for improving the administration of Criminal Justice in these Islands, for suspending certain Acts therein mentioned, and for other purposes" as relates to the taking of bail in cases of felony, and to the taking of the examinations and informations against persons charged with felonies and misdemeanours, and binding persons by recognizance to prosecute and give evidence; and also so much of an Act of the said General Assembly passed in the fourth year of Her present Majesty's reign, entitled "An Act to declare in force within these Islands certain Statutes of the Imperial Parliament of Great Britain and Ireland, relating to certain offences therein particularly mentioned" as gives the force of law in this Colony to the second, third, and fourth sections of an Act of the Imperial Parliament, passed in the sixth and seventh years of the reign of His Majesty King William the Fourth, entitled "An Act for enabling persons indicted for Felony, to make their Defence by Counsel and Attorney."

No. 6.
Ord. No. 5,
1855.

No. 6.—ORDINANCE No. 5 of 1855.

An Ordinance to facilitate the performance of the duties of Justices of the Peace with respect to persons charged with offences punishable in the Supreme Court of the Turks and Caicos Islands.
(Passed 3rd July, 1855. Confirmed 11th January, 1856.)

PREAMBLE.

WHEREAS it would conduce much to the improvement of the administration of criminal justice within these islands, if the several laws relating to the duties of your Majesty's Justices of the Peace therein, with respect to persons charged with criminal offences, were consolidated with such additions and alterations as may be deemed necessary; and that such duties should be clearly defined; May it, &c.

No. 6.
Ord. No. 5,
1855.

Mode of proceeding on complaint made to a Justice.

I. That in all cases where a complaint shall be made before any Justice of the Peace, that any person has committed, or is suspected to have committed, within the jurisdiction of such Justice of the Peace, or elsewhere within the colony, any offence for which such person is liable to be prosecuted in the Supreme Court of these islands, or that any such person is, or is suspected to be, within the limits of the jurisdiction of such Justice, then if the person so complained against shall not then be in custody, it shall be lawful for such Justice to issue his warrant to apprehend such person, and to cause him to be brought before such Justice, or some other Justice, having jurisdiction therein, to answer to such complaint, and to be further dealt with according to law: Provided always, that in all cases it shall be lawful for such Justice to whom such complaint shall be preferred, if he shall so think fit, instead of issuing, in the first instance, his warrant to apprehend the person so complained against, to issue his summons directed to such person, requiring him to appear before the said Justice, at a time and place to be therein mentioned, or before such other Justice as aforesaid; and if after being served with such summons, in manner hereinafter mentioned, he shall fail to appear at such time and place in obedience to such summons, then the said Justice or any other Justice as aforesaid, may issue his warrant to apprehend such person so complained against, and cause such person to be brought before him, or before some other Justice as aforesaid, to answer to the said complaint, and to be further dealt with according to law: Provided nevertheless, That nothing herein contained shall prevent any Justice of the Peace from issuing the warrant hereinbefore first mentioned, at any time before or after the time mentioned in such summons, for the appearance of the said accused party.

Power to issue warrant to apprehend an accused party.

Proviso.

II. That in all cases of crimes or offences of any kind over which any Court of Admiralty Sessions, which may hereafter be established in this colony, or shall or may claim to have jurisdiction, it shall be lawful for any one of Her Majesty's Justices of the Peace for the colony, or for any island or district thereof, in which any person charged with having committed, or with being suspected to have committed, any such crime or offence, shall be, or shall be suspected to be, to issue his warrant to apprehend the person so charged, and to cause him to be brought before him, or some other Justice, as aforesaid, to answer to the said charges; and to be further dealt with according to law.

Power of Justices of the Peace in respect to offences over which the Court of Admiralty Sessions claims jurisdiction.

III. That it shall be lawful for any Justice to grant or issue any warrant as aforesaid, or any search-warrant, on a Sunday as well as on any other day.

Power to issue any Warrant on Sunday.

IV. That in all cases where a complaint for any crime or offence, as aforesaid, shall be made before such Justice as aforesaid, if it be intended to issue a warrant in the first instance against the party or parties so charged, an information and complaint thereof, in writing, on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such Justice: Provided always, that in all cases where it is intended to issue a summons instead of a warrant in the first instance, it shall not be necessary that such information and complaint shall be in writing, or sworn to or affirmed in manner aforesaid; but in every such case such information and complaint may be by parol merely,

Complaint to be in writing in all cases where Warrant to apprehend accused parties is deemed necessary.

1st Proviso.

No. 6.
Ord. No. 5,
1855.

2nd Proviso.

Power of Jus-
tice on informa-
tion and com-
plaint laid as
hereinbefore
prescribed.

Constable to
depose to ser-
vice of sum-
mons.

Proviso.

Warrants to
be under the
hand and seal
of Justice, and
directed to
Constable or
other person
by name, or
generally to
the Constable
of the district.

and without any oath or affirmation whatsoever, to support or substantiate the same: Provided, also, That no objection shall be taken or allowed to any such information or complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice who shall take the examination of the witness in that behalf, as is hereinafter mentioned.

V. That upon such information and complaint being so laid as aforesaid, the Justice receiving the same may, if he shall think fit, issue his summons or warrant respectively, as hereinbefore is directed, to cause the person charged as aforesaid, to appear before him or any other Justice, as aforesaid, to be dealt with according to law; and every such summons shall be directed to the party so charged in and by such information, and shall state shortly, the matter of such information, and shall require the party to whom it is so directed, to be and appear at a certain time and place therein mentioned, before the Justice who shall issue such summons, or before such other Justice as aforesaid, to answer the said charge, and to be further dealt with according to law; and every such summons shall be served by a constable or other peace-officer upon the person to whom it is so directed, by delivering the same to the party personally, or if he cannot conveniently be met with, then by leaving the same with some person for him at his last or most usual place of abode; and the constable or other peace-officer who shall have served the same in manner aforesaid, shall attend at the time and place, and before the Justice in the said summons mentioned, to depose if necessary to the service of such summons; and if the person so served shall not be and appear before the Justice, at the time and place mentioned in such summons, in obedience to the same, then it shall be lawful for such Justice to issue his warrant for apprehending the party so summoned, and bringing him before such Justice, or some other Justice, as aforesaid, to answer the charge in the said information and complaint mentioned, and to be further dealt with according to law: Provided always, That no objection shall be taken or allowed to any such summons or warrant, for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice who shall take the examination of the witnesses in that behalf, as hereinafter mentioned; but if any such variance shall appear to such Justice, to be such that the party charged has been thereby deceived or misled, it shall be lawful for such Justice at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the mean time to remand the party so charged, or admit him to bail in manner hereinafter mentioned.

VI. That every warrant hereafter to be issued by any Justice, to apprehend any person charged with any crime or offence as aforesaid, shall be under the hand and seal of the Justice issuing the same, and may be directed either to any constable or other person by name, or generally to the constable of the island or district within which the same is to be executed, without naming him, or to such constable and all other constables or peace-officers in the island or district within which the Justice issuing such warrant has jurisdiction, or generally to all the constables or peace-officers within such island or district, and it shall state shortly the offence

on which it is founded, and shall name, or otherwise describe, the offender, and it shall order the person or persons to whom it is directed to apprehend the offender and bring him before the Justice issuing the said warrant, or before some other Justice to answer to the charge contained in the said information, and to be further dealt with according to law; and it shall not be necessary to make such warrant returnable at any particular time, but the same may remain in full force until it shall be executed, and such warrant may be executed by apprehending the offender at any place within the district within which the Justice issuing the same shall have jurisdiction; and in all cases where such warrant shall be directed to all constables or other peace-officers within the district within which the Justice issuing the same shall have jurisdiction, it shall be lawful for any constable or other peace-officer for any island or place within such district to execute the said warrant within any island or place situated within the jurisdiction for which such Justice shall have acted when he granted such warrant, in like manner as if such warrant were directed specially to such constable by name, and notwithstanding the place in which such warrant shall be executed, shall not be within the island or place for which he shall be such constable or other peace-officer: Provided always, That no objection shall be taken or allowed to any such warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution before the Justice who shall take the examination of the witnesses in that behalf as hereinafter mentioned; but if any such variance shall appear to such Justice to be such that the party charged has been thereby deceived or misled, it shall be lawful for such justice, at the request of the party so charged, to adjourn the hearing of the case to some future day, and in the mean time to remand the party so charged or to admit him to bail in manner hereinafter mentioned.

VII. That if the person against whom any such warrant shall be issued as aforesaid shall not be found within the jurisdiction of the Justice by whom the same shall be issued; or if he shall go into, be, or be suspected to be, in any place in the colony, out of the jurisdiction of the Justice issuing such warrant, it shall and may be lawful for any Justice of the peace for the colony, or for the island or district into which such person shall so go, or in which he shall be, or be suspected to be, upon proof alone being made on oath of the handwriting of the Justice issuing such warrant, to make an indorsement on such warrant, signed with his name, authorizing the execution of such warrant within the jurisdiction of the Justice making such indorsement, and which indorsement shall be sufficient authority to the person bringing such warrant, and to all other persons to whom the same was originally directed; and also to all constables and other peace-officers of the island or district where such warrant shall be so indorsed, to execute the same in such other island or district; and to carry the person against whom such warrant shall have issued, when apprehended, before the Justice who first issued the said warrant, or before some other Justice for the colony, or for the island or district where the offence in the said warrant mentioned appears therein to have been committed: Provided always, That if the prosecutor or any of the witnesses upon the part of the prosecution shall then be in the

No. 6.
Ord. No. 5,
1855.

Warrants un-
objectionable
for defect in
substance or
form.

Power of Jus-
tice to adjourn
the hearing of
a case to a fu-
ture day.

Power of Ma-
gistrates in one
jurisdiction to
cause process
to be executed
in another.
Mode of pro-
ceeding.

No. 6.
Ord. No. 5,
1855.

Power of sum-
moning wit-
nesses.

islands or district where such person shall have been so apprehended, the constable or other person or persons who shall have so apprehended such person may, if so directed by the Justice backing such warrant, take and convey him before the Justice who shall have so backed the said warrant, or before some other Justice of the colony, or of the same island or district; and the said Justice may thereupon take examinations of such prosecutor or witnesses, and proceed, in every respect in manner hereinafter directed with respect to persons charged before a Justice of the Peace, with an offence alleged to have been committed in another island or district than that in which such persons have been apprehended.

VIII. That if it shall be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, or without such oath or affirmation if the Justice should so think fit, that any person within the jurisdiction of such Justice is likely to give material evidence for the prosecution, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against or for the accused, such Justice may and is hereby required to issue his summons to such person, under his hand and seal, requiring him to be and appear at a time and place mentioned in such summons, before the said Justice, or before such other Justice, for the Colony, or for the same island or district, to testify what he shall know concerning the charge made against such accused party; and if any person so summoned shall refuse or neglect to appear at the time and place appointed by the said summons, and no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affirmation of such summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode) it shall be lawful for the Justice, before whom such person should have appeared, to issue a warrant under his hand and seal, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said summons, or before such other Justice, as aforesaid, as shall then be there to testify as aforesaid, and which said warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by evidence upon oath or affirmation that it is probable that such person will not attend to give evidence without being compelled so to do, then instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, and which, if necessary, may be backed as aforesaid; and if on the appearance of such person so summoned before the said last-mentioned Justice, either in obedience to the said summons or upon being brought before him by virtue of the said warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or, having taken such oath or affirmation, shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any Justice of the Peace then present, and having there jurisdiction, may, by warrant under his hand and seal, commit the person so refusing to the common gaol, for the island or district where such person so refusing shall then be, there to

remain and be imprisoned for any time not exceeding thirty days, unless he shall in the mean time consent to be examined, and to answer concerning the premises.

IX. That whenever any person shall be summoned as a witness, to give evidence before any Justice touching any of the matters aforesaid, and shall neglect or refuse to appear at the time and place for that purpose appointed, and shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such Justice, every such person shall, on conviction before such Justice, forfeit and pay for every such offence any sum not exceeding five pounds, and in default of payment, be imprisoned for a period not exceeding thirty days.

X. That in all cases where any person shall appear or be brought before any Justice of the Peace, charged with any crime or offence, as aforesaid, or whether such person appear voluntarily upon summons or have been apprehended with or without warrant, or be in custody for the same or any other offence, such Justice, before he shall commit such accused person to prison for trial, or before he shall admit him to bail, shall in the presence of such accused person (who shall be at liberty to put questions to any witness produced against him) take the statement on oath or affirmation of those who shall know the facts and circumstances of the case, and shall put the same into writing, and such depositions shall be read over to, and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the Justice taking the same; and the Justice before whom any such witness shall appear to be examined, as aforesaid, shall, before such witness is examined, administer to such witness the usual oath or affirmation, which such Justice shall have full power and authority to do, and if upon the trial of the person so accused, as first aforesaid, it shall be proved by the oath or affirmation of any credible witness that any person whose deposition shall have been taken, as aforesaid, is dead, or so ill as not to be then or likely, within the period of six months thereafter, to be able to travel; and if also it be proved that such deposition was taken in the presence of the person so accused, and that he or his counsel or attorney had a full opportunity of cross-examining the witness, then if such deposition purport to be signed by the Justice by or before whom the same purports to have been taken, it shall be lawful to read such deposition as evidence in such prosecution without further proof thereof, unless it shall be proved that such deposition was not in fact signed by the Justice purporting to sign the same.

XI. That after the examinations of all the witnesses on the part of the prosecution, as aforesaid, shall have been completed, the Justice of the Peace, by or before whom such examination shall have been so completed, as aforesaid, shall without requiring the attendance of the witnesses, read, or cause to be read, to the accused the depositions taken against him, and shall say to him these words, or words to the like effect: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial;" and whatever the prisoner shall say in answer thereto, shall be taken down in writing and read over to him, and shall be signed by the said Justice, and kept

No. 6.
Ord. No. 5,
1855.

Penalty on
persons sum-
moned as wit-
nesses neglect-
ing to obey.

Deposition or
statement of
witnesses to be
taken in pre-
sence of ac-
cused person,
who is privi-
leged to ques-
tion witnesses.

When exami-
nations are
completed, the
same to be
read over to ac-
cused person.

What the Jus-
tice shall say
to the accused.

No. 6.
Ord. No. 5,
1855.



Admission or
confession of
accused may
be given in
evidence on
his Trial.

Justice-room
where exami-
nations are
taken not
deemed an
open Court.

Lawful to bind
the prosecutor
and witnesses
to appear by
recognizance.

with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned ; and afterwards upon the trial of the said accused person, the same may, if necessary, be given in evidence against him, without further proof thereof, unless it shall be proved that the Justice purporting to sign the same, did not in fact sign the same : Provided always that the said Justice, before such accused person shall make any statement, shall state to him, and give him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat. Provided, nevertheless, that nothing herein contained, shall prevent the prosecutor in any case from giving in evidence any admission or confession, or other statement of the person accused or charged which by law would be admissible as evidence against such person.

XII. That the room or building in which such Justice shall take such examinations and statement, as aforesaid, shall not be deemed an open Court for that purpose ; and it shall be lawful for such Justice, in his discretion, to order that no person shall have access to, or be, or remain in such room or building, without the consent or permission of such Justice, if it appear to him that the ends of justice will be best answered by so doing.

XIII. That it shall be lawful for the Justice before whom any such witness shall be examined, as aforesaid, to bind by recognizance the prosecutor, and every such witness, to appear at the next session of the Supreme Court or other Criminal Court of these islands at which the accused is to be tried, then and there to prosecute, or to prosecute and give evidence, or to give evidence, as the case may be, against the party accused, which said recognizance shall particularly specify the profession, art, mystery, or trade of every such person entering into or acknowledging the same, together with his Christian and surname, and the parish, township, or place of his residence, and the said recognizance being duly acknowledged by the person so entering into the same, shall be subscribed by the Justice before whom the same shall be acknowledged, and a notice thereof signed by the said Justice shall at the time be given to the person bound thereby : and the several recognizances so taken, together with the written information, if any, the depositions, the statement of the accused, and the recognizance of bail, if any, in every such case shall be forthwith delivered by the said Justice, or he shall cause the same to be forthwith delivered at the office of the Queen's Advocate at Grand Cay. Provided always, that if any such witness shall refuse to enter into such recognizance aforesaid, it shall be lawful for such Justice, by his warrant, to commit him to prison at Grand Cay, there to be imprisoned and safely kept until after the trial of such accused party, unless in the mean time such witness shall duly enter into such recognizance as aforesaid, before some one Justice of the Peace as aforesaid. Provided nevertheless, that if afterwards, from want of sufficient evidence in that behalf, or other cause, the Justice before whom such accused party shall have been brought, shall not commit him or hold him to bail for the offence with which he is charged, it shall be lawful for such Justice or any other Justice, as afore-

said, by his order in that behalf, to order and direct the keeper of the prison where such witness shall be so in custody, to discharge him from the same, and such keeper shall thereupon forthwith discharge him accordingly.

XIV. That if from the absence of witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination or further examination of the witnesses for any time, it shall be lawful for the Justice before whom the accused shall appear or be brought by his warrant, from time to time, to remand the party accused for such time as by such Justice, in his discretion, shall be deemed reasonable (not exceeding eight clear days) to the common gaol or other prison of the district for which such Justice shall then be acting; or if the remand be for a time not exceeding three clear days, it shall be lawful for such Justice verbally to order the constable or other person in whose custody such accused party may then be, or any other constable or person to be named by the said Justice in that behalf, to continue or keep such party accused in his custody, and to bring him before the same or such other Justice as shall be there acting at the time appointed for continuing such examination. Provided always, that any such Justice may order such accused party to be brought before him or before any other Justice as aforesaid, at any time before the expiration of the time for which such accused party shall be so remanded; and the gaoler or officer in whose custody he shall then be shall duly obey such order: Provided also, that instead of detaining the accused party in custody during the period for which he shall be so remanded, any one Justice of the Peace, before whom such accused party shall so appear or be brought as aforesaid, may discharge him upon his entering into a recognizance with or without a surety or sureties at the discretion of such Justice, conditioned for his appearance at the time and place appointed for the continuance of such examination: and if such accused party shall not afterwards appear at the time and place mentioned in such recognizance, then such recognizance shall be forfeited.

XV. And whereas, it may happen that a person is charged before a Justice of the Peace with an offence alleged to have been committed in another island or district than that in which such person has been apprehended, or in which such Justice has jurisdiction, and it is necessary to make provision as to the manner of taking the examinations of the witnesses, and of committing the party accused, or admitting him to bail, in such a case, be it therefore ordained, That whenever a person shall appear or shall be brought before a Justice of the Peace in the island or district wherein such Justice shall have jurisdiction, charged with an offence alleged to have been committed by him in any island or district wherein such Justice shall not have jurisdiction, it shall be lawful for such Justice, and he is hereby required to examine such witnesses and receive such evidence in proof of such charge as shall be produced before him, within his jurisdiction, and if in his opinion such testimony and evidence shall be sufficient proof of the charge made against such accused party, such Justice shall thereupon commit him to the prison of the island or district, or shall admit him to bail as herein-after mentioned, and shall bind over the prosecutor (if he have appeared before him) and the witnesses by recognizance accordingly, as is hereinbefore mentioned, but if such testimony and

No. 6.
Ord. No. 5,
1855.

Examination may be deferred to procure further evidence, and accused party remanded to custody.



Provision as to the manner of taking examination of witnesses, and the custody of accused party, where a person charged with an offence in a district where the Magistrate to whom the complaint is made has not jurisdiction.

No. 6.
Ord. No. 5,
1855.

evidence shall not, in the opinion of such Justice, be sufficient to put the accused party upon his trial for the offence with which he is charged, then such Justice shall bind over such witnesses as he shall have examined, by recognizance, to give evidence as hereinbefore is mentioned, and such Justice shall, by warrant under his hand and seal, order such accused party to be taken before some Justice of the Peace in and for the island or district where or near unto the place where the offence is alleged to have been committed, and shall at the same time deliver the information and complaint, and also the depositions and recognizances so taken by him to the constable who shall have the execution of such last-mentioned warrant, to be by him delivered to the Justice before whom he shall take the accused in obedience to the said warrant; and which said depositions and recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the said last-mentioned Justice; and shall, together with such depositions and recognizances as such last-mentioned Justice shall take in the matter of such charge against the said accused party, be transmitted to the Queen's Advocate at Grand Cay in the manner and at the time hereinbefore mentioned, if such accused party shall be committed for trial upon the said charge, or shall be admitted to bail.

Proceeding in
cases of per-
sons charged
with a Felony,
or with an As-
sault with in-
tent to commit
Felony.

XVI. That where any person shall appear or be brought before a Justice of the Peace, charged with any felony, or with any assault, with intent to commit any felony or with any attempt to commit any felony, or with obtaining or attempting to obtain property by false pretences, or with a misdemeanour in receiving property stolen, or obtained by false pretences, or with perjury or subornation of perjury, or with concealing the birth of a child, by secret burying or otherwise, such Justice of the Peace may, in his discretion, admit such person to bail, upon his procuring and producing such surety or sureties as in the opinion of such Justice will be sufficient to insure the appearance of such accused person at the time and place when and where he is to be tried for such offence; and thereupon such Justice shall take the recognizance of the said accused party and his surety or sureties, conditioned for the appearance of such accused person, at the time and place of trial, and that he will then surrender and take his trial, and not depart the Court without leave: and in all cases where a person charged with any of the aforesaid offences shall be committed to prison to take his trial for the same, it shall be lawful at any time afterwards, and before the first day of the sitting of the Court at which he is to be tried, or before the day to which such sitting or session may be adjourned for the Justice of the Peace, who shall have signed the warrant for his commitment in his discretion to admit such accused person to bail in manner aforesaid; or if such committing Justice shall be of opinion, that for any of the offences hereinbefore mentioned the said accused person ought to be admitted to bail, he shall in such cases, or in all other cases of misdemeanours, certify on the back of the warrant of commitment his consent to such accused party being bailed, stating also the amount of bail which ought to be required; and it shall be lawful for any Justice of the Peace attending, or being at the gaol or prison where such accused party shall be in custody on production of such certificate to admit such accused person to bail in manner aforesaid; or if it shall be

No. 6.
Ord. No. 5,
1855.

inconvenient for the surety or sureties in such a case to attend at such gaol or prison, to join with such accused person in the recognizance of bail, then such committing Justice may make a duplicate of such certificate as aforesaid, and upon the same being produced to any Justice of the Peace for the Colony, or for the same island or district, it shall be lawful for such last-mentioned Justice to take the recognizance of the surety or sureties in conformity with such certificate; and upon such recognizance being transmitted to the keeper of such gaol or prison, and produced, together with the certificate on the warrant of commitment as aforesaid, to any Justice of the Peace attending or being at such gaol or prison, it shall be lawful for such last-mentioned Justice thereupon to take the recognizance of such accused party, and to order him to be discharged out of custody, as to that commitment, in manner hereinafter mentioned; and where any person shall be charged before any Justice of the Peace with any misdemeanour other than those hereinbefore mentioned, such Justice, after taking the examinations in writing as aforesaid, instead of committing him to prison for such offence, shall admit him to bail in manner aforesaid; or if he have been committed to prison, and shall apply to one of the visiting Justices of such prison, or to any other Justice of the Peace for the Colony, before the first day of the sitting of the Court at which he is to be tried, or before the day to which such sitting or session may be adjourned, to be admitted to bail, such Justice shall accordingly admit him to bail in manner aforesaid; and in all cases where such accused person in custody shall be admitted to bail by a Justice of the Peace other than the committing Justice as aforesaid, such Justice of the Peace so admitting him to bail shall forthwith transmit the recognizance or recognizances of bail to the committing Justice, to be by him transmitted with the examinations to the proper officer: Provided nevertheless, that no Justice of the Peace shall admit any person to bail for treason, nor shall such person be admitted to bail except by order of the officer administering the government of the colony for the time being.

Persons not
admissible to
Bail for Treason.

President
alone can authorize bail in
such cases.

Mode of proceeding where
Justices admit
persons already
in prison to
Bail.

XVII. That in all cases where a Justice of the Peace shall admit to bail any person who shall then be in prison, charged with the offence for which he shall be so admitted to bail, such Justice shall send to or caused to be lodged with the keeper of such prison, a warrant of deliverance under his hand and seal, requiring the said keeper to discharge the person so admitted to bail, if he be detained for no other offence, and upon such warrant of deliverance being delivered to or lodged with such keeper, he shall forthwith obey the same.

XVIII. That when all the evidence offered upon the part of the prosecution against the accused party shall have been heard, if the Justice of the Peace shall be of opinion that it is not sufficient to put such accused party upon his trial, such Justice shall forthwith order such accused party, if in custody, to be discharged as to the information then under inquiry; but if in the opinion of such Justice, such evidence is sufficient to put the accused party upon his trial, or if the evidence given raise a strong or probable presumption of the guilt of such accused party, then such Justice shall, by his warrant, commit him to the prison at Grand Cay, there to be safely kept until he shall thence be delivered by due course of law, or shall admit him to bail as hereinbefore mentioned, and every

Power of Justices to discharge accused party.

No. 6.
Ord. No. 5,
1855.

Accused parties entitled to copies of depositions.

Forms of process to be prepared.

Explanation of terms.

The Stipendiary Justice or assistant Stipendiary Justice may act alone when two Justices of the Peace are not to be had.

warrant of commitment to prison shall be good, valid, and effectual for the purposes therein mentioned, without being backed, notwithstanding that Grand Cay may be out of the jurisdiction of the Justice issuing such warrant; and the constable or any of the constables or other persons to whom the said warrant of commitment shall be directed, shall have full power and legal authority to convey such accused person therein named or described to the said prison, notwithstanding that such constable or other person shall not be a constable or peace-officer for Grand Cay.

XIX. That at any time after all the examinations aforesaid shall have been completed, and before the first day of the term, or other first sitting of the Court, at which any person so committed to prison or admitted to bail as aforesaid, is to be tried, such person may require and shall be entitled to have, of and from the officer or person having custody of the same, copies of the depositions on which he shall have been committed or bailed, on payment of a reasonable sum for the same, not exceeding at the rate of three halfpence for each folio of ninety words.

XX. That it shall be lawful for the officer administering the Government of the Colony for the time being, to cause to be prepared the several forms by this Ordinance required, and all such forms, after they shall have been so prepared, shall be printed for general information, and shall be used and followed by the several Justices of the Peace within this Presidency, in transacting the business of their office as such Justices as closely as may be, and shall be held to be good and sufficient in law.

XXI. That throughout this Ordinance wherever the words "Queen's Advocate" occur, they shall be understood to refer to any person prosecuting on behalf of Her Majesty; wherever the word "Justice" occurs, it shall be understood to refer not only to one Justice of the Peace, but also to more than one where more are necessary; and where in referring to any person or thing the masculine gender or singular number is used, it shall be held to refer as well as to the feminine gender, and to the plural number, unless such construction would be repugnant to the sense of the sentence.

XXII. And whereas from the scattered state of the population upon some of the islands of the colony, and the absence of an adequate number of Justices of the Peace to carry out those enactments which require the presence of two or more Justices, whereby the administration of Justice might be impeded; Be it ordained, that where any law requires that two or more Justices should perform any act, and the required number of Justices cannot be had, in such case the Stipendiary Justice of such district may act alone, and carry out and enforce any such law or enactment.

FORMS FRAMED UNDER THE AUTHORITY OF THE XXTH SECTION OF THE FOREGOING ORDINANCE.

No. 1.

INFORMATION AND COMPLAINT.

Turks and Caicos } The information and complaint of
Islands, to wit. } taken this day of
A.D. 18 before the undersigned (one) of Her Majesty's Justices

of the Peace, in and for
(*&c.*, *stating the offence*)

Sworn to the day and }
year above mentioned. }
Before

Who saith that

No. 6.
Ord. No. 5,
1855.

J. S.

No. 2.

WARRANT TO APPREHEND.

To
other constables in the said

and to all

Whereas A. B. of (labourer) hath this
day been charged upon oath before the undersigned, (one) of Her
Majesty's Justices of the Peace, in and for the said
for that he on at did (*&c.*, *stating shortly the
offence*)

These are therefore to command you in Her Majesty's name, forth-
with to apprehend the said A. B., and to bring him before (me), or
some other of Her Majesty's Justices of the Peace in and for the
said , to answer unto the said charge, and to be further
dealt with according to law.

Given under my hand and seal this
day of in the year of our Lord
at in the aforesaid.

J. S. (L. S.)

No. 3.

SUMMONS.

To A. B. of (labourer).

Whereas you have this day been charged before the undersigned,
(one) of Her Majesty's Justices of the Peace in and for the said
for that you on at
(*&c.*, *stating shortly the offence*). These are therefore to com-
mand you in Her Majesty's name, to be and appear before me on
at o'clock in the forenoon at
or before such other Justice or Justices of the Peace for
the same as may then be there, to answer to the said
charge, and to be further dealt with according to law. Herein
fail not.

Given under my hand and seal this
day of in the year of our Lord
at in the aforesaid.

J. S. (L. S.)

No. 4.

WARRANT WHERE THE SUMMONS IS DISOBEYED.

To
constables in the said

and to all other

Whereas on the last past A. B. of
(labourer) was charged before the undersigned,
x

No. 6.
Ord. No. 5,
1855.

(one) of Her Majesty's Justices of the Peace in and for the said for that (*etc., as in the summons*). And whereas, (I) then issued (my) summons to the said *A. B.*, commanding him in Her Majesty's name to be and appear before (me) on at o'clock in the forenoon at or before such other Justice or Justices of the Peace for the as might then be there, to answer to the said charge, and to be further dealt with according to law.

And whereas the said *A. B.* hath neglected to be or appear at the time and place appointed in and by the said summons, although it hath now been proved to me upon oath that the said summons was duly served upon the said *A. B.*; These are therefore to command you in Her Majesty's name forthwith to apprehend the said *A. B.*, and to bring him before me or some other of Her Majesty's Justices of the Peace, in and for the said to answer to the said charge, and to be further dealt with according to law.

Given under my hand and seal this day of in the year of our Lord at in the aforesaid.

J. S. (L. S.)

No. 5.

INDORSEMENT IN BACKING A WARRANT.

Whereas proof upon oath hath this day been made to wit. before me, one of Her Majesty's Justices of the Peace for the that the name of *J. S.* to the within warrant subscribed, is of the handwriting of the Justice of the Peace within mentioned; I do therefore hereby authorize *W. T.* who bringeth to me this warrant, and all other persons to whom this warrant was originally directed, or by whom it may lawfully be executed, and also all constables and other peace-officers of the said to execute the same within the said last-mentioned* and to bring the said *A. B.*, if apprehended within the same before me, or before some other Justice or Justices of the Peace, of the same to be dealt with according to law.¹

Given under my hand this day of 18 .

No. 6.

SUMMONS OF A WITNESS.

To *E. F.* of (labourer).

These are to require you to be and to appear before me on next at o'clock in the forenoon at or before such other Justice or Justices of the Peace for the same as may then be there, to testify what you shall know concerning a certain charge of made against a certain said *A. B.* Herein fail not.

Given under my hand and seal this day of in the year of our Lord at in the aforesaid. *J. S. (L. S.)*

* The words following this asterisk are to be used only where the Justice backing the warrant shall think fit.

No. 7.

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

No. 6.
Ord. No. 5,
1855.

To the constable of _____ and to all other peace-officers
in the said _____

Whereas information having been laid before the undersigned,
(one) of Her Majesty's Justices of the Peace in and for the said _____

that *A. B. (dc., as in the summons)* and it having
been made to appear to (me) that *E. F.* of _____ (labourer)
was likely to give material evidence for the prosecution, I did duly
issue any summons to the said *E. F.*, requiring him to be and appear
before me, on _____ at _____ or before such other
Justice or Justices of the Peace for the same _____ as might
then be there, to testify what he should know respecting the said
charge so made against the said *A. B.* as aforesaid. And whereas
proof hath this day been made before me upon oath of such summons
having been duly served upon the said *E. F.*; And whereas, the
said *E. F.* hath neglected to appear at the time and place appointed
by the said summons, and no just excuse has been offered for such
neglect. These are therefore to command you to bring and have
the said *E. F.* before me on _____ at _____ o'clock in
the forenoon, at _____ or before such other Justice or Justices
of the Peace for the _____ as may then be there, to testify
what he shall know concerning the said charge so made against the
said *A. B.* as aforesaid.

Given under my hand and seal, this _____ day of _____
in the year of our Lord _____ at _____
in the _____ aforesaid.

J. S. (L. S.)

No. 8.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

To the constable of _____ and to all other peace-officers in
the said _____ of _____

Whereas information hath been laid before the undersigned,
(one) of Her Majesty's Justices of the Peace in and for the said _____
, that (*dc., as in summons*); and it having been made
to appear to (me) upon oath, that *E. F.* of _____ (labourer)
is likely to give material evidence for the prosecution, and that it is
probable that the said *E. F.* will not attend to give evidence with-
out being compelled so to do: These are therefore to command
you to bring and have the said *E. F.* before me on _____ at _____
o'clock in the forenoon at _____, or before such other
Justice or Justices for the Peace, for the _____ as may then
be there, to testify what he shall know concerning the said charge
so made against the said *A. B.* as aforesaid.

Given under my hand and seal, this _____ day of _____
in the year of our Lord _____ at _____
in the _____ aforesaid.

J. S. (L. S.)

No. 6.
Ord. No. 5,
1855.

Note.—This form to be altered as occasion may require, to suit the case of commitment of a witness for refusing to obey summons.

No. 9.

WARRANT OF COMMITMENT OF A WITNESS.

For refusing to be sworn, or to give evidence to the stipendiary or any other constable of and to the keeper of the at in the said of

Whereas *A. B.* was lately charged before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said of for that (*&c.*, as in the summons); and it having been made to appear to (me) upon oath, that *E. F.* of was likely to give material evidence for the prosecution, I duly issued my summons to the said *E. F.*, requiring him to be and appear before me on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said *A. B.* as aforesaid; and the said *E. F.* now appearing before me (or being brought before me by virtue of a warrant in that behalf, to testify as aforesaid), and being required to make oath or affirmation as a witness in that behalf, hath now refused so to do (or being duly sworn as a witness, doth now refuse to answer certain questions concerning the premises which are here put to him) without offering any just excuse for such his refusal: These are therefore to command you, the said constable, to take the said *E. F.* and him safely to convey to the at aforesaid, and there deliver him to the said keeper thereof, together with this precept: and I do hereby command you, the said keeper of the said to receive the said *E. F.* into your custody in the said and him there safely keep for the space of days for his said contempt, unless he shall in the meantime consent to be examined and to answer concerning the premises; and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, this day of in the year of our Lord at in the aforesaid. *J. S. (L. S.)*

No. 10.

DEPOSITIONS OF WITNESSES.

The examination of *C. D.* of (farmer) and to wit. } *E. F.* of (labourer), taken on (oath) this day of in the year of our Lord at in the aforesaid, before the undersigned, (one) of Her Majesty's Justices of the Peace for the said, in the presence and hearing of *A. B.*, who is charged this day before (me), for that he the said *A. B.* on at (*&c.*, describing the offence as in a warrant of commitment). This deponent *C. D.* on his (oath) saith as follows (*&c.*, stating the deposition of the witness, as nearly as possible in the words he uses. When his deposition is complete, let him sign it).

And this deponent *E. F.*, upon his oath saith as follows (*&c.*)

The above depositions of *C. D.* and *E. F.* were taken and (sworn) before me at on the day and year first above mentioned.

J. S.

No. 6.
Ord. No. 5,
1855.

A. B.
the day and year first
J. S.

RECOGNIZANCE TO GIVE EVIDENCE.

Taken and acknowledged before
the day and year first above written.

**NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE
PROSECUTOR AND HIS WITNESSES.**

to wit. } Take notice, that you, C. D. of are bound in
the sum of to appear at the next (or present

No. 6.
Ord. No. 5,
1855.

as the case may be) sittings of the Court of these islands, to be holden at the Grand Turk, and then and there evidence against *A. B.*; and unless you then appear there, and give evidence accordingly, the recognizance entered into by you will be forthwith levied on you.

Dated this day of 18 *J. S.*

No. 14.

COMMITMENT OF WITNESS FOR REFUSING TO ENTER INTO
THE RECOGNIZANCE.

To the constable of and to the keeper of the prison at

Whereas *A. B.* was lately charged before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said of for that (*§c.*, as in the summons to the witness) and it having been made to appear to (me) that *E. F.* of was likely to give material evidence for the prosecution, (I) duly issued my summons to the said *E. F.*, requiring him to be and appear before (me) on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said *A. B.* as aforesaid; and the said *E. F.* now appearing before (me), or being brought before (me) by virtue of a warrant in that behalf, to testify as aforesaid, hath been now examined by (me) touching the premises, but being by (me) required to enter into a recognizance conditioned to give evidence against the said *A. B.*, hath now refused so to do: These are therefore to command you, the said constable, to take the said *E. F.*, and him safely to convey to the prison at in the island of , and there deliver him to the said keeper thereof, together with this precept: and I do hereby command you, the said keeper of the said prison, to receive the said *E. F.* into your custody in the said prison, there to imprison and safely keep him until after the trial of the said *A. B.* for the offence aforesaid, unless in the mean time such *E. F.* shall duly enter into such recognizance as aforesaid, in the sum of pounds, before some one Justice of the Peace for the said conditioned in the usual form to appear in the General Court of the said islands, and there to give evidence upon the trial of the said *A. B.* for the said offence.

Given under my hand and seal, this day of in the year of our Lord at in the aforesaid.

No. 15.

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

To the keeper of the prison at

Whereas *E. F.*, of was lately committed to your custody for refusing to enter into a recognizance for his appearance as a witness in the Supreme Court of these islands, by warrant of commitment under my hand and seal, in which you were required to keep him until after the trial of a certain *A. B.* therein

mentioned. And whereas for want of sufficient evidence the said *A. B.* has been discharged from the accusation then pending against him, and it is therefore not necessary that the said *E. F.* should be detained longer in your custody: These are therefore to order and direct you, the said keeper, to discharge the said *E. F.* out of your custody as to the said commitment, and suffer him to go at large.

No. 6.
Ord. No. 5,
1855.

Given under (my) hand and seal, this _____ day of _____
in the _____ year of our Lord _____ at _____
aforesaid.

J. S. (L. S.)

No. 16.

WARRANT REMANDING A PRISONER.

To _____ keeper of the _____ at _____ in the said _____ and to the

Whereas, *A. B.* was this day charged before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said _____ for that (*etc.*, as in the warrant to apprehend); and it appears to me to be necessary to remand the said *A. B.* These are therefore to command you, the said constable, in Her Majesty's name, forthwith to convey the said *A. B.* to the _____ at _____ in the said _____ and there to deliver him to the keeper thereof, together with this precept; and I hereby command you, the said keeper, to receive the said *A. B.* into your custody, in the said _____ and there safely keep him until the _____ day of _____ when I hereby command you to have him this day at _____ instant, at _____ o'clock, in the forenoon of the same day before me, or before such other Justice or Justices of the Peace for the said _____ as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the mean time.

Given under my hand and seal this _____ day of _____
in the _____ year of our Lord _____ at _____ in the _____ aforesaid.
J. S. (L. S.)

No. 17.

RECOGNIZANCE OF BAIL INSTEAD OF REMAND ON ADJOURNMENT OF EXAMINATION.

Be it remembered, that on the _____ day of _____ in the year of our Lord _____ *A. B.* of _____ (labourer), *L. M.* of _____ (grocer), and *N. O.* of _____ (butcher), personally came before, me one of Her Majesty's Justices of the Peace for the said _____ and severally acknowledged themselves to owe to our Lady the Queen the several sums following: that is to say, the said *A. B.* the sum of _____ and the said *L. M.* and *N. O.* the sum of _____ each, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands, and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if he the said *A. B.* failed in the condition indorsed.

Taken and acknowledged, the day and year first above mentioned,
at _____ before me _____ *J. S.*

No. 6.
Ord. No. 5,
1855.

CONDITION.

The condition of the within-written recognizance is such, That whereas the within bounden *A. B.* was this day (*or on last past*) charged before me, for that (*etc., as in the warrant*): And whereas, the examination of the witnesses for the prosecution in this behalf is adjourned until the day of instant; if therefore the said *A. B.* shall appear before me on the said day of instant at o'clock in the forenoon, or before such other Justice or Justices of the Peace for the said as may then be there, to answer (further) to the said charge, and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

No. 18.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE ACCUSED
AND HIS SURETIES.

Take notice that you, *A. B.*, of are bound in the sum of and your sureties, *L. M.* and *N. O.*, in the sum of each, that you, *A. B.*, appear before me, *J. S.*, (one) of Her Majesty's Justices of the Peace for the of on the day of instant, at o'clock in the forenoon, at or before such other Justice or Justices of the Peace for the same as may then be there, to answer further to the charge made against you by *C. D.*, and to be further dealt with according to law: and unless you, *A. B.*, personally appear accordingly, the recognizances entered into by yourself and sureties will be forthwith levied on you and them. Dated this day of 18 *J. S.*

No. 19.

CERTIFICATE OF NON-APPEARANCE TO BE INDORSED ON A
RECOGNIZANCE.

I hereby certify that the said *A. B.* hath not appeared at the time and place in the above condition mentioned, but therein hath made default, by reason whereof the within-written recognizance is forfeited. *J. S.*

No. 20.

SEARCH WARRANT.

BAHAMA ISLANDS, }
NEW PROVIDENCE.

To any lawful constable for the island of Esquire, one of Her Majesty's Justices of the Peace for the said islands by the information on oath of that the following goods, to wit, of the said were feloniously stolen, taken, and carried away from of the said

and that the said hath reasonable cause to suspect, and doth suspect, that the said or part thereof, are concealed in These are therefore, in the name of our lady the Queen, to authorize and require you, with necessary and proper assistants, to enter, in the daytime, into the of the said at aforesaid, and therein diligently search for the said and if the same, or any part thereof, shall be found upon such search, that you bring the so found, as also the body of the said before me, or some other of Her said Majesty's Justices of the Peace for the said islands, to be disposed of and dealt with according to law.

No. 6.
Ord. No. 5,
1855.

Given under my hand and seal, at this day of in the year of our Lord 18

No. 21.

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE DISTRICT, ETC., IN WHICH THE OFFENCE WAS COMMITTED.

To *W. T.*, constable of and to all other peace-officers in the said of

Whereas *A. B.* of (labourer), hath this day been charged before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said district, for that (*etc., as in the warrant to apprehend*). And whereas (I) have taken the deposition of *C. D.*, a witness examined by (me), in this behalf; but inasmuch as (I) am informed that the principal witnesses to prove the said offence against the said *A. B.* reside in the where the said offence is alleged to have been committed: These are therefore to command you, the said constable, in Her Majesty's name, forthwith to take and convey the said *A. B.* to the said and there carry him before some Justice or Justices of the Peace in and for that and near unto the where the offence is alleged to have been committed, to answer further to the charge before him or them, and to be further dealt with according to law; and (I) hereby further command you, the said constable, to deliver to the said Justice or Justices the information in this behalf, and also the said deposition of *C. D.* now given into your possession for that purpose, together with this precept.

Given under (my) hand and seal this day of in the year of our Lord at in the aforesaid.

J. S. (L. S.)

No. 22.

RECOGNIZANCE OF BAIL.

Be it remembered that on the day of in the year of our Lord *A. B.*, of (labourer), *L. M.*, of (grocer), and *N. O.*, of (butcher), personally came before (us) the undersigned, two of her Majesty's Justices of

shortly).

I hereby certify, That I consent to the
said *A. B.* being bailed by recognizance, himself in
and (two) sureties in each.

Dated the

day of

18

J. S.

No. 6.
Ord. No.
1855.

No. 26.

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A
PRISONER ALREADY COMMITTED.

To the keeper of the at in the said
Whereas *A. B.*, late of (labourer), hath
before (us, two) of Her Majesty's Justices of the Peace in and for
the said entered into his own recognizance, and found
sufficient sureties for his appearance at the next to be
holden in and for the to answer our Sovereign Lady the
Queen, for that, (*&c.*, as in the commitment) for which he was taken
and committed to your said

These are therefore to command you, in Her said Majesty's name,
that if the said *A. B.* do remain in your custody in the said
for the said cause, and for no other, you shall forthwith suffer him
to go at large.

Given under our hands and seals this day of
in the year of our Lord at
in the aforesaid.

*J. S. (L. S.)**J. N. (L. S.)*

No. 27.

WARRANT OF COMMITMENT.

To the constable of and to the keeper of the
at in the said Whereas *A. B.* was this day
charged before me, *J. S.*, one of Her Majesty's Justices of the Peace
in and for the said, on the oath of *C. D.*, of
(farmer), and others, for that, (*&c.*, stating shortly the offence)
These are therefore to command you, the said constable of
to take the said *A. B.* and him safely to convey to the at
aforesaid, and there to deliver him to the keeper
thereof, together with this precept; and I do hereby command you,
the said keeper of the said to receive the said *A. B.*
into your custody in the said and there safely keep him
until he shall be thence delivered by due course of law.

Given under my hand and seal this day of
in the year of our Lord at
in the aforesaid.

J. S. (L. S.)

These forms to be to altered, as occasions may require, to serve
in cases of offences cognizable in the Court of Admiralty sessions.

Approved. W. R. INGLIS, President.

Grand Turks, 2nd June, 1856.

No. 7.
Ord. No. 5,
1855.

No. 7.—ORDINANCE No. 6 of 1855.

An Ordinance to facilitate the performance of the duties of Justices of the Peace with respect to summary convictions. (Passed 3rd July, 1855. Confirmed 11th January, 1846.)

PREAMBLE.

WHEREAS it would conduce much to the improvement of the administration of justice within these islands, so far as respects summary convictions by Justices of the Peace, if the several laws and parts of laws relating to the duties of such Justices in respect of such summary convictions were consolidated, with such additions and alterations as may be deemed necessary, and that such duties should be clearly defined by positive enactment; May it, &c.

Mode of proceeding of Justices on complaint made to them.

Constables to depose to the service of Summons.

Mode of proceeding when persons summoned do not appear.

I. That in all cases where an information shall be laid before any Justice of the Peace, that any person has committed, or is suspected to have committed, any offence or act within the jurisdiction of such Justice, for which he is liable by law, upon a summary conviction for the same, to be imprisoned or fined, or otherwise punished, and also in all cases where a complaint shall be made, upon which any order for the payment of money or otherwise may be made, then it shall be lawful for such Justice to issue his summons, directed to such person, stating the matter of such information or complaint, and requiring him to appear at a certain time and place before the same Justice or before such other Justice as shall then be there, to answer to the said information or complaint, and to be further dealt with according to law; and every such summons shall be served by a constable or other peace-officer, or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him at his last or most usual place of abode; and the constable, peace-officer, or person who shall serve the same, in manner aforesaid, shall attend at the time and place, and before the Justice in the said summons mentioned, to depose, if necessary, to the service of the said summons: Provided always, that no objection shall be taken or allowed to any information, complaint, or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint, or summons, and the evidence adduced on the part of the informant or complainant, at the hearing of such information or complaint as hereafter mentioned; but if any such variance shall appear to the Justice at such hearing to be such that the party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice, upon such terms as he shall think fit, to adjourn the hearing of the case to some future day.

II. That if a person so served with a summons, as aforesaid, shall not appear before the Justice at the time and place mentioned in such summons, and it shall be made to appear to such Justice by oath or affirmation that such summons was so served a reasonable time before the time therein appointed for appearing to the same, then it shall be lawful for such Justice, if he shall think fit, upon oath or affirmation being made before him substantiating the matter of such information or complaint to his satisfaction, to issue

his warrant to apprehend the party so summoned and to bring him before the same Justice or before some other Justice to answer to the said information or complaint, and to be further dealt with according to law, or upon such information being laid, as aforesaid, for any offence punishable on summary conviction, the Justice before whom such information shall have been laid may, if he shall think fit, upon oath or affirmation being made before him substantiating the matter of such information to his satisfaction, instead of issuing such summons as aforesaid, issue in the first instance his warrant for apprehending the person against whom such information shall have been so laid, and bringing him before the same Justice or before some other Justice, to answer to the said information, and to be further dealt with according to law; or if, where a summons shall be so issued as aforesaid, and upon the day and at the place appointed in and by the said summons for the appearance of the party so summoned, such party shall fail to appear accordingly in obedience to such summons, then, if it be proved upon oath or affirmation to the Justice that such summons was duly served upon such party a reasonable time before the time so appointed for his appearance as aforesaid, it shall be lawful for such Justice to proceed, *ex parte* to the hearing of such information or complaint, and to adjudicate thereon, as if such party had personally appeared before him in obedience to the said summons.

No. 7.
Ord. No. 5,
1855.

III. That every such warrant to apprehend a defendant, that he may answer to any such information or complaint as aforesaid, shall be under the hand and seal of the Justice issuing the same, and may be directed, either to any constable, or other person, by name or otherwise, and it shall state briefly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the constable or other person to whom it is directed to apprehend the said defendant, and to bring him before some Justice of the peace to answer to the said information or complaint, and to be further dealt with according to law; and that it shall not be necessary to make such warrant returnable at any particular time, but the same may remain in full force until it shall be executed; and such warrant may be executed by apprehending the defendant at any place within the jurisdiction of the Justice issuing the same, and in all cases where such warrant shall be directed to the constables, within the district or place within which the Justice issuing the same shall have jurisdiction, it shall be lawful for any constable for such district to execute such warrant in like manner as if such warrant were directed specially to such constable by name, and notwithstanding that the place in which such warrant shall be executed shall not be within the district or place for which he shall be such constable; and such of the provisions and enactments contained in a certain Ordinance made and passed in this present Session of the Legislative Council, entitled "An Ordinance to facilitate the performance of the duties of Justices of the Peace, with respect to persons charged with offences punishable in the Supreme Court of the Turks and Caicos Islands," as to the backing of any warrant, and the indorsement thereon by a Justice of the Peace authorizing the person bringing such warrant, and all other persons to whom the same was originally directed, to execute the same within the jurisdiction of the Justice so making such indorsement,

Mode of issuing Warrants to apprehend.

Warrant to remain in force until executed.

No. 7.
Ord. No. 5,
1855.

Proviso.

Proviso.

In complaints
respecting
property
where there
are many own-
ers, sufficient
for the pur-
pose of this
Ordinance if
one be named.

Liability of
aiders and
abettors.

Mode of
procuring
compulsory
attendance of
witnesses.

as are applicable to the provisions of this Ordinance, shall extend to all such warrants and to all warrants of commitment issued under and by virtue of this Ordinance, in as full and ample a manner as if the said several provisions and enactments were here repeated and made part of this Ordinance: Provided always that no objection shall be taken or allowed to any such warrant, to apprehend a defendant, so issued upon any such information or complaint as aforesaid, under and by virtue of this Ordinance for any alleged defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the informant or complainant as hereinafter mentioned; but if any such variance shall appear to the Justice present at such hearing to be such that the party so apprehended under such warrant has been thereby deceived or misled, it shall be lawful for such Justice, upon such terms as he shall think fit, to adjourn the hearing of the case to some future day, and in the mean time to commit the said defendant to prison, or to such other custody as the said Justice shall think fit, unless he is willing and prepared to enter into a recognizance, with or without surety or sureties, at the discretion of such Justice, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: Provided always, that in all cases where a defendant shall be discharged upon recognizance, as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then such recognizance may be forfeited.

IV. That in any information or complaint, or the proceedings thereon, in which it shall be necessary to state the ownership of any property belonging to, or in the possession of partners, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another or others, as the case may be; and whenever in any information or complaint, or the proceedings thereon, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in manner aforesaid; and whenever in any such information or complaint, or the proceedings thereon, it shall be necessary to describe the ownership of any work or building belonging to, made, maintained, or repaired at the expense of the colony, or of any materials for the making, altering, or repairing of the same, or of any articles provided for the use of any public establishment, service, or department, they may be described therein as the property of the colony.

V. That every person who shall aid, abet, counsel, or procure the commission of any offence, which is, or hereafter shall be punishable on summary conviction shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before, or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as such principal offender is or shall be by law liable to, and may be proceeded against and convicted either in the island or district, where such principal offender may be convicted, or in that in which such offence of aiding, abetting, counselling, or procuring may have been committed.

VI. That if it shall be made to appear to any justice of the Peace, by the oath or affirmation of any credible person, or without such oath or affirmation should such Justice so think fit, that any

No. 7.
Ord. No. 5,
1855.

person within the jurisdiction of such Justice is likely to give material evidence in behalf of the prosecutor, or complainant, or defendant, and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such information or complaint, such Justice may, and is hereby required, to issue his summons to such person, under his hand and seal, requiring him to be and appear at a time and place mentioned in such summons, before the said Justice, or before such other Justice as shall then be there, to testify what he shall know concerning the matter of the said information or complaint, and if any person so summoned shall neglect or refuse to appear at the time and place appointed by the said summons, and no just excuse shall be offered for such neglect or refusal (after proof upon oath or affirmation of such summons having been served upon such person, either personally or by leaving the same for him with some person at his last or most usual place of abode; and if such person is residing on any other island than that in which the case is to be heard, that a reasonable sum was paid or tendered to him for his travelling expenses), it shall be lawful for the Justice before whom such person should have appeared, to issue a warrant, under his hand and seal, to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the said summons, or before such other Justice as shall then be there, to testify as aforesaid, and which said warrant may, if necessary, be backed as hereinbefore is mentioned, in order to its being executed out of the jurisdiction of the Justice who shall have issued the same, or if such Justice shall be satisfied by evidence, upon oath or affirmation, that it is probable that such person will not attend to give evidence without being compelled to do so, then, instead of issuing such summons, it shall be lawful for him to issue his warrant in the first instance, and which, if necessary, may be backed as aforesaid; and if, upon the appearance of the person so summoned before such Justice, either in obedience to the said summons, or upon being brought before him by virtue of the said warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath or affirmation, or having taken such oath or affirmation, shall refuse to answer such questions concerning the premises as shall then be put to him, without offering any just excuse for such refusal, any Justice of the Peace then present and having there jurisdiction may, by warrant under his hand and seal, commit the person so refusing to any lawful prison in the colony, there to remain and be imprisoned for any time not exceeding fourteen days, unless he shall in the mean time consent to be examined, and to answer concerning the premises.

VII. That whenever any person shall be summoned as a witness to give evidence before any Justice touching any of the matters aforesaid, either on the part of the complainant or the person accused, and shall neglect or refuse to appear at the time and place for that purpose appointed, and who shall not make such reasonable excuse for such neglect or refusal as shall be admitted and allowed by such Justice, every such person shall, on conviction before such Justice, forfeit and pay for every such offence any sum not exceeding two pounds, and, in default of payment, be imprisoned for a period not exceeding fourteen days.

Penalty on
witnesses sum-
moned not
attending.

No. 7.
Ord. No. 5,
1855.

Variance between time specified in information and the time proven not material, if it be within the time limited by law.

Proviso.

Mode of proceeding on un-attested complaints.

Six calendar months limited for complaints.

Number of Justices empowered to try Offences.

VIII. That in all cases of informations for any offences or acts punishable upon summary conviction, any variance between such information and the evidence adduced in support thereof as to the time at which such offence shall be alleged to have been committed shall not be deemed material if it be proved that such information was in fact laid within the time limited by law for laying the same, and any variance between such information and the evidence adduced in support thereof as to the place in which the offence shall be alleged to have been committed shall not be deemed material provided that the offence be proved to have been committed within the jurisdiction of the Justice by whom such information shall be heard and determined, and if any such variance, or any variance in any other respect between such information and the evidence adduced in support thereof shall appear to the Justice at the hearing to be such that the party charged by such information has been thereby deceived or misled, it shall be lawful for such Justice, upon such terms as he shall think fit, to adjourn the hearing of the case to some future day, and in the mean time to commit the said defendant to prison, or to such other custody as the said Justice shall think fit, unless he is prepared and willing to enter into a recognizance, with or without surety or sureties, at the discretion of such Justice, conditioned for his appearance, at the time and place to which such hearing shall be so adjourned: Provided always, that in all cases where a defendant shall be discharged upon recognizance as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then such recognizance may be forfeited.

IX. That every such complaint upon which a Justice is or shall be authorized by law to make an order, and that every information for any offence punishable upon summary conviction, unless some particular law shall otherwise require, may respectively be made or laid without any oath or affirmation being made of the truth thereof, except in cases of informations, where the Justice receiving the same shall thereupon issue his warrant in the first instance to apprehend the defendant as aforesaid; and in every such case where the Justice shall issue his warrant in the first instance, the matter of such information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before any such warrant shall be issued: and every such complaint shall be for one matter of complaint only, and not for two or more matters of complaint; and every such information shall be for one offence only, and not for two or more offences; and every such complaint or information may be laid or made by the complainant or informant in person, or by his counsel or attorney or other person authorized in that behalf.

X. That in all cases where no time is already, or shall hereafter be specially limited for making any such complaint, or laying any such information in the law relating to each particular case, such complaint shall be made, and such information shall be laid within six calendar months from the time when the matter of such complaint or information respectively arose.

XI. That every such complaint and information shall be heard, tried, determined, and adjudged by one or two or more Justice or Justices of the Peace, as shall be directed by the law upon which such complaint or information shall be framed, or such other law

No. 7.
Ord. No. 6,
1855.

as there may be in that behalf; and if there be no such direction in any such law, then such complaint or information may be heard, tried, determined, and adjudged by any Justice having jurisdiction therein; and the room or place in which such Justice or Justices shall sit to hear and try any such complaint or information, shall be deemed an open and public Court, to which the public generally may have access, so far as the same can conveniently contain them; and the party against whom such complaint is made or information laid shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by counsel or attorney in his behalf: and every complainant or informant in any such case shall be at liberty to conduct such complaint or information respectively, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf.

Proceeding in
absence of
defendant.

XII. That if at the day and place appointed in and by the summons aforesaid, for hearing and determining such complaint or information, the defendant against whom the same shall have been made or laid shall not appear when called, the constable or other person who shall have served him with the summons in that behalf, shall then declare upon oath in what manner he served the said summons, and if it appear to the satisfaction of any Justice that he duly served the said summons, in that case such Justice may proceed to hear and determine the case in the absence of such defendant, or the said Justice, upon the non-appearance of such defendant as aforesaid, may, if he think fit, issue his warrant in manner hereinbefore directed, and shall adjourn the hearing of the said complaint or information until the said defendant shall be apprehended; and when such defendant shall afterwards be apprehended under such warrant, he shall be brought before the same Justice, or some other Justice, who shall thereupon, unless he is willing and prepared to enter into a recognizance for his appearance with or without surety or sureties, at the discretion of the said Justice, either, by his warrant, commit such defendant to prison, or if he think fit, verbally, to the custody of the constable, or to such other safe custody as he shall deem fit, and order the said defendant to be brought up at a certain time and place before such Justice as shall then be there, of which said order the complainant or informant shall have due notice; or if upon the day and at the place so appointed, as aforesaid, such defendant shall attend voluntarily in obedience to the summons in that behalf served upon him, or shall be brought before the said Justice by virtue of any warrant, then if the complainant or informant, having had such notice as aforesaid, do not appear by himself, his counsel, or attorney, the said Justice shall dismiss such complaint or information, unless for some reason he shall think proper to adjourn the hearing of the same unto some other day, upon such terms as he shall think fit, in which case such Justice may commit the defendant in the mean time to prison, or to such other custody as such Justice shall think fit, unless he is willing and prepared to enter into a recognizance, with or without surety or sureties, at the discretion of such Justice, conditioned for his appearance at the time and place to which such hearing shall be so adjourned: and if such defendant shall [not afterwards appear at the time and place mentioned in such recognizance, then such recognizance may be for-

. Y

No. 7.
Ord. No. 6,
1855.

Proceeding
when defend-
ant is present.

feited; but if both parties appear, either personally or by their respective counsel or attorneys, before the Justice who is to hear and determine such complaint or information, then the said Justice shall proceed to hear and determine the same.

XIII. That where such defendant shall be present at such hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he have any cause to show why he should not be convicted, or why an order should not be made against him, as the case may be; and if he thereupon admit the truth of such information or complaint, and show no cause or no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, then the Justice present at the said hearing shall convict him, or make an order against him accordingly; but if he do not admit the truth of such information or complaint, as aforesaid, then the said Justice shall proceed to hear the prosecutor or complainant, and such witnesses as he may examine, and such other evidence as he may adduce, in support of his information or complaint, respectively, and also to hear the defendant, and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also to hear such witnesses as the prosecutor or complainant may examine in reply, if such defendant shall have examined any witnesses or given any evidence other than as to his, the defendant's, general character; but the prosecutor or complainant shall not be entitled to make any observations in reply upon the evidence given by the defendant, nor shall the defendant be entitled to make any observations in reply upon the evidence given by the prosecutor or complainant in reply as aforesaid; and the said Justice, having heard what each party shall have to say as aforesaid, and the witnesses and evidence so adduced, shall consider the whole matter and determine the same, and shall convict or make any order upon the defendant, or dismiss the information or complaint, as the case may be, and if he convict or make an order against the defendant, a minute or memorandum thereof shall then be made, for which no fee shall be paid, and the conviction or order shall afterwards be drawn up by the said Justice in proper form, under his hand and seal, or if the said Justice shall dismiss such information or complaint, it shall be lawful for such Justice, if he shall think fit, upon being required so to do, to make an order of dismissal of the same, and shall give the defendant in that behalf a certificate thereof, which said certificate afterwards upon being produced, without further proof, shall be a bar to any subsequent information or complaint for the same matters respectively against the same party: Provided always, that if the information or complaint in any such cases shall negative any exemption, exception, proviso, or condition in the law on which the same shall be framed, it shall not be necessary for the prosecutor or complainant in that behalf to prove such negative, but the defendant may prove the affirmative thereof in his defence, if he would have advantage of the same.

Power of ad-
journment.

XIV. That before or during such hearing of any such information or complaint it shall be lawful for the Justice, in his discretion, to adjourn the hearing of the same to a certain time and place to be then appointed, and stated in the presence and hearing of the party or parties, or their respective attorneys or agents then present, and, in the mean time, the said Justice may suffer the defendant to go at

No. 7.
Ord. No. 6,
1855.

large, or may commit him to prison or to such other safe custody as the said Justice shall think fit, unless he is willing and prepared to enter into a recognizance, with or without sureties, at the discretion of such Justice, conditioned for his appearance at the time and place to which such hearing or further hearing shall be adjourned, and if at the time or place to which such hearing or further hearing shall be so adjourned, either or both of the parties shall not appear personally, or by his or their counsel or attorneys respectively, before the said Justice or such other Justices as shall then be there, it shall be lawful for the Justice then there present to proceed to such hearing or further hearing as if such party or parties were present, or if the prosecutor or complainant shall not appear, the said Justice may dismiss such information or complaint, with or without costs, as to such Justice shall seem fit: Provided always, that in all cases where a defendant shall be discharged on recognizance as aforesaid, and shall not afterwards appear at the time and place mentioned in such recognizance, then such recognizance may be forfeited.

Proviso.

XV. That in all cases of conviction where no particular form of such conviction is or shall be given by the law creating the offence, or regulating the prosecution for the same, and in all cases of conviction upon laws hitherto passed, whether any particular form of conviction has been therein given or not, it shall be lawful for the Justice who shall so convict, to draw up his conviction in such one of the forms of conviction to be prepared and drawn up, as herein-after mentioned, as shall be applicable to such case, or to the like effect; and where an order shall be made, and no particular form of order is or shall be given by the law giving authority to make such order, and in all cases of orders to be made under the authority of any laws hitherto passed, whether any particular form of order shall therein be given or not; it shall be lawful for the Justice by whom such order is to be made, to draw up the same in such one of the said last-mentioned forms as may be applicable to such case, or to the like effect, and in all cases where, by any law authority is given to commit a person to prison, or to levy any sum upon his goods or chattels, by distress, for not obeying any order of a Justice, the defendant shall be served with a copy of the minute of such order, before any warrant of commitment or of distress shall issue in that behalf, and such order or minute shall not form any part of such warrant of commitment or of distress.

Forms of conviction.

XVI. That in all cases of summary conviction, or of orders made by a Justice of the Peace, it shall be lawful for the Justice making the same, in his discretion, to award and order in and by such conviction or order, that the defendant shall pay to the prosecutor or complainant respectively, such costs as to such Justice shall seem just and reasonable in that behalf; and in cases where such Justice instead of convicting or making an order, as aforesaid, shall dismiss the information or complaint, it shall be lawful for him in his discretion, in and by his order of dismissal, to award and order that the prosecutor or complainant, respectively, shall pay to the defendant such costs as to such Justice shall seem just and reasonable, and the sums so allowed for costs shall in all cases be specified in such conviction or order, or order of dismissal, aforesaid, and the same shall be recoverable in the same manner, and under the same warrants as any penalty, or sum of money ad-

Costs.

No. 7.
Ord. No. 6,
1855.

Warrants of
distress.

judged to be paid in and by such conviction or order is to be recoverable; and in cases where there is no such penalty or sum to be thereby recovered, then such costs shall be recoverable by distress and sale of the goods and chattels of the party, and, in default of such distress, by imprisonment, with or without hard labour, for any time not exceeding one calendar month, unless such costs shall be sooner paid.

XVII. That where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an order requires the payment of a sum of money, and by the law authorizing such conviction or order, such penalty, compensation, or sum of money is to be levied upon the goods and chattels of the defendant, by distress and sale thereof, and also in cases where, by the law in that behalf, no mode of raising or levying such penalty, compensation, or sum of money, or of enforcing the payment of the same, is stated or provided, it shall be lawful for the Justice making such conviction or order, or for any Justice having jurisdiction, to issue his warrant of distress, for the purpose of levying the same, which said warrant of distress shall be in writing, under the hand and seal of the Justice making the same; and if after delivery of such warrant of distress to the constable or constables to whom the same shall have been directed to be executed, if the same shall have been granted by a Justice of the Peace, whose jurisdiction is limited only to some particular island or district, sufficient distress shall not be found within the limits of the jurisdiction of such Justice, then, upon proof alone being made, on oath, of the handwriting of the Justice granting such warrant, before any Justice of the Peace having jurisdiction in any other district of the colony, such last-mentioned Justice shall thereupon make an indorsement on such warrant, signed with his hand, authorizing the execution of such warrant, within the limits of his jurisdiction, by virtue of which said warrant and indorsement, the penalty or sum aforesaid, and costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the person bringing such warrant, or by the person or persons to whom such warrant was originally directed, or by any constable or other peace-officer of such last-mentioned district, by distress and sale of the goods and chattels of the defendant in such district: Provided always, that whenever it shall appear to any Justice of the Peace to whom application shall be made for any such warrant of distress, as aforesaid, that the issuing thereof would be ruinous to the defendant and his family, or wherever it shall appear to such Justice, by the confession of the defendant or otherwise, that he hath no goods or chattels whereon to levy such distress, then, and in every such case, it shall be lawful for such Justice, if he shall deem fit, instead of issuing such warrant of distress, to commit such defendant to the prison of the district for which such Justice shall then be acting; or if there be no such prison, then to the prison at Grand Cay, there to be imprisoned, with or without hard labour, for such time and in such manner as by law such defendant might be so committed, in case such warrant of distress had issued, and no goods or chattels could be found whereon to levy such penalty, or sum and costs, as aforesaid.

Proviso.

In case of
warrant of dis-
tress, defend-
ant may, in

XVIII. That in all cases where a Justice of the Peace shall issue any such warrant of distress, it shall be lawful for him to suffer the defendant to go at large, or verbally, or by a written warrant in

that behalf, to order the defendant to be kept and detained in safe custody until return shall be made to such warrant of distress; unless such defendant shall give a sufficient security by recognizance or otherwise, to the satisfaction of such Justice, for his appearance before him at the time and place appointed for the return of such warrant of distress, or before some other Justice: Provided always, that in all cases where a defendant shall give security by recognizance, as aforesaid, and shall not afterwards appear at the time and place in such recognizance mentioned, then such recognizance may be forfeited.

XIX. That if at the time and place appointed for the return of any such warrant of distress, the constable who shall have had the execution of the same, shall return that he could find no goods or chattels, or no sufficient goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs occasioned by the levying of the same, it shall be lawful for the Justice of the Peace, before whom the same shall be returned, to issue his warrant of commitment under his hand and seal, directed to the same, or any other constable, reciting the conviction or order shortly, the issuing of the warrant of distress, and the return thereto; and requiring such constable to convey such defendant to the prison of the district, for which such Justice shall then be acting; or if there be no such prison, then to the prison at Grand Cay, there to deliver him to the keeper thereof, to be kept until he be delivered by due course of law.

XX. And whereas, by some laws, Justices of the Peace are authorized to issue warrants of distress, to levy penalties or other sums recovered before them by distress and sale of the offender's goods, but no further remedy is provided in case no sufficient distress be found, whereon to levy such penalties; Be it therefore ordained, That in all such cases and in all cases of convictions or orders where the law on which the same are respectively founded, provides no remedy in case it shall be returned to a warrant of distress thereon, that no sufficient goods of the party, against whom such warrant shall have been issued can be found, it shall nevertheless be lawful for the Justice, to whom such return is made, or to any other Justice, having jurisdiction, if he shall think fit, by his warrant as aforesaid, to commit the defendant to prison, as aforesaid, for any term not exceeding three calendar months, unless the sum, or sums, adjudged to be paid, and all costs and charges of the distress, and of the commitment, and conveying of the defendant to prison, (the amount thereof being ascertained and stated in such commitment,) shall be sooner paid.

XXI. That in all cases where the law by virtue of which a conviction for a penalty or compensation, or an order for the payment of money is made, makes no provision for such penalty or compensation, or sum being levied by distress, but directs that if the same be not paid forthwith, or within a certain time therein mentioned, or to be mentioned in such conviction or order, the defendant shall be imprisoned, or imprisoned and kept to hard labour for a certain time, unless such penalty, compensation, or sum shall be sooner paid, if the defendant do not pay the same together with costs, if awarded, forthwith, or at the time specified in such conviction or order, in such case it shall be lawful to levy the same by warrant of distress.

XXII. That when a conviction does not order the payment of

No. 7.
Ord. No. 6,
1855.

the discretion
of the Justice,
be detained
until he gives
satisfactory
security.

Proceedings
where no goods
and chattels
are found.

Power of Jus-
tice to commit
where no suffi-
cient property
is found to de-
fray costs and
charges of dis-
tress.

Power of Jus-
tices convict-
ing to levy
penalty where
the law im-
posing the
same is silent.

No. 7.
Ord. No. 6,
1855.

Imprisonment
with hard la-
bour in certain
cases.

Mode of en-
forcing.

When sentence
on a prisoner
for a new of-
fence is to
commence.

Mode of pro-
ceeding where
information is
dismissed with
costs.

Power of one
Justice to re-
ceive informa-
tion or com-
plaint.

Proviso.

any penalty, but that the defendant be imprisoned, or imprisoned and kept to hard labour for his offence, or when an order is not for the payment of money, but for the doing of some other act; and directs that in case of the defendant's neglect or refusal to do such act, he shall be imprisoned, or imprisoned and kept to hard labour, and the defendant neglects or refuses to do such act, in every such case it shall be lawful for such Justice making such conviction or order, or for some other Justice having jurisdiction to issue his warrant of commitment, under his hand and seal, and requiring the said constable or constables to whom the same shall be directed, to take and convey such defendant to prison, and there to deliver him to the keeper thereof to be kept until he be discharged by due course of law; and in all such cases whereby such conviction or order, any sum for costs shall be adjudged to be paid by the defendant to the prosecutor or complainant, such sum may, if the Justice shall think fit, be levied by warrant of distress, in manner aforesaid; and in default of distress the defendant may, if such Justice shall think fit, be committed to prison, in manner aforesaid, there to be imprisoned for any time not exceeding one calendar month, to commence at the termination of the imprisonment he shall then be undergoing, unless all costs and charges, if such Justice shall think fit so to order, shall be sooner paid.

XXIII. That where a Justice shall upon any such information or complaint, as aforesaid, adjudge the defendant to be imprisoned, and such defendant shall then be in prison, upon a conviction for any other offence, it shall be lawful for the Justice issuing the same, if he shall think fit, to order therein that the imprisonment for such subsequent offence shall commence at the expiration of the imprisonment to which such defendant shall have been previously sentenced.

XXIV. That where any information or complaint shall be dismissed with costs, as aforesaid, the sum which shall be awarded for costs in the order for dismissal may be levied by distress on the goods and chattels of the prosecutor or complainant, in manner aforesaid, and in default of distress or payment, such prosecutor or complainant may be committed to prison, in manner aforesaid, for any time not exceeding one calendar month, unless such sum and all costs and charges (the amount thereof being ascertained and stated in such commitment) shall be sooner paid.

XXV. That in all cases of summary proceedings before a Justice of the Peace, upon any information or complaint as aforesaid, it shall be lawful for one Justice to receive such information or complaint, and to do all other necessary acts and matters preliminary to the hearing, even in cases where by the law in that behalf, such information or complaint must be heard and determined by two or more Justices, and after the case shall have been so heard and determined, one Justice may issue all warrants of distress or commitment thereon: and it shall not be necessary that the Justice who so acts before or after such hearing shall be the Justice or one of the Justices by whom the said case shall be heard and determined: Provided always, that in all cases where by law it is or shall be required that any such information or complaint shall be heard and determined by two or more Justices, or that a conviction or order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case.

XXVI. That whenever any recognizance shall be forfeited and the penalty thereof shall be of such an amount as to be within the jurisdiction of a Justice of the Peace, he may proceed to recover such penalty in the same manner as a debt to that amount would be recoverable, and all other recognizances when forfeited may be transmitted by such Justice to the Clerk of the Crown, and a certificate of such Justice of the non-appearance of the party indorsed on such recognizance shall be *prima facie* evidence of such non-appearance.

XXVII. That throughout this Ordinance wherever the word "Justice" occurs it shall be understood to refer not only to one Justice of the Peace but also to more than one where more [are necessary; and where, in referring to any person or thing, the masculine gender or singular number is used, it shall be held to refer as well to the feminine gender and to the plural number, unless such construction would be repugnant to the sense of the sentence.

XXVIII. And whereas from the scattered state of the population upon some of the islands of this colony, and the absence of an adequate number of Justices of the Peace to carry out those enactments which require the presence of two or more Justices whereby the administration of Justice might be impeded; Be it ordained that where any law requires that two or more Justices should perform any act, and the required number of Justices cannot be had, in such case the Stipendiary or assistant Stipendiary Justice of such district may act alone, and carry out and enforce any such law or enactment.

XXIX. That it shall be lawful for the officer administering the government of the colony for the time being, to cause to be prepared the several forms by this Ordinance required: and all such forms, after they have been so prepared, shall be printed for general information, and shall be used and followed by the several Justices of the Peace within this presidency in transacting the business of their office as such Justices as closely as may be, and shall be held to be good and sufficient in law.

FORMS FRAMED UNDER THE AUTHORITY OF THE XXIXTH SECTION OF THE FOREGOING ORDINANCE.

No. 1.

SUMMONS TO THE DEFENDANT UPON AN INFORMATION OR COMPLAINT.

To A. B., of (labourer).

Whereas, information hath this day been laid (or complaint hath this day been made) before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said for that you (here state shortly the matter of the information or complaint). These are therefore to command you, in Her Majesty's name, to be and appear on at o'clock in the forenoon, at before such Justices of the Peace, for the said as may then be there, to answer to the said information (or complaint) and to be further dealt with according to law.

Given under my hand and seal, this day of in the year of our Lord at in the aforesaid. J. S. (L. S.)

No. 7.
Ord. No. 6,
1855.

No. 2.

WARRANT WHERE THE SUMMONS IS DISOBEYED.

To _____ of _____ and to all other constables in the said _____

Whereas on _____ last past, information was laid (or complaint was made) before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said _____ for that *A. B.* (*&c., as in the summons*):

And whereas, I then issued my summons unto the said *A. B.*, commanding him, in Her Majesty's name, to be and appear on _____ at _____ o'clock in the forenoon, at _____ before such Justices of the Peace for the said _____ as might then be there, to answer to the said information (or complaint), and to be further dealt with according to law: And whereas, the said *A. B.* hath neglected to be or appear at the time and place so appointed in and by the said summons. These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A. B.* and to bring him before some one or more of Her Majesty's Justices of the Peace, in and for the said _____ to answer to the said information (or complaint), and to be further dealt with according to law.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____ at _____ in the aforesaid.

J. S. (L. S.)

No. 3.

WARRANT IN THE FIRST INSTANCE.

To _____ and to all other constables in the said _____ Whereas information hath this day been laid before the undersigned _____ (one) of _____ for that *A. B.* (*here state shortly the matter of the information*); and oath being now made before me substantiating the matter of such information: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said *A. B.*, and to bring him before some one or more of Her Majesty's Justices of the Peace in and for the said _____ to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____ at _____ in the aforesaid.

No. 4.

WARRANT OF COMMITTAL FOR SAFE CUSTODY DURING AN ADJOURNMENT OF THE HEARING.

To _____ and to the keeper of the _____ at _____

Whereas on _____ last past, information was laid (or complaint was made) before the undersigned, (one) of Her Majesty's

Justices of the Peace in and for the said
(*&c.*, as in the summons).

for that

No. 7.
Ord. No. 6,
1855.

And whereas the hearing of the same is adjourned to the
day of instant, at
o'clock in the forenoon, at and it is necessary that
the said *A. B.* should in the mean time be kept in safe custody :
These are therefore to command you, the said constable, in Her
Majesty's name, forthwith to convey the said *A. B.* to the
at , and there deliver him into the custody of the
keeper thereof, together with this precept ; and I hereby command
you, the said keeper, to receive the said *A. B.* into your custody in
the said and there safely keep him until the
day of instant, when you are hereby required to con-
vey and have him, the said *A. B.*, at the time and place to which
the said hearing is so adjourned as aforesaid, before such Justice of
the Peace for the said as may then be there, to
answer further to the said information (*or* complaint), and to be
further dealt with according to law.

Given under my hand and seal, this day of
in the year of our Lord at in the
aforesaid.

J. S. (L. S.)

No. 5.

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHERE THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH.

Be it remembered, that on *A. B.* of
(labourer), and *L. M.* of (grocer) personally came before
the undersigned, (one) of Her Majesty's Justices of the Peace, in and
for the said and severally acknowledged themselves to
owe to our Sovereign Lady the Queen, the several sums following,
(that is to say) the said *A. B.* the sum of , and the said
L. M. the sum of of good and lawful money of great
Britain, to be made and levied of their several goods and chattels,
lands and tenements, respectively, to the use of our said Lady the
Queen, her heirs and successors, if he, the said *A. B.* shall fail in
the condition indorsed.

Taken and acknowledged the
day and year first above mentioned at
before me,

}
J. S.

The condition of the within-written recognizance is such, that if
the said *A. B.* shall personally appear on the day of
instant at o'clock in the forenoon, at
before such Justice of the Peace for the said
as may then be there, to answer further to the information (*or* com-
plaint) of *C. D.* exhibited against the said *A. B.*, and to be further
dealt with according to law, then the said recognizance to be void,
or else to stand in full force and virtue.

No. 7.
Ord. No. 6,
1855.

No. 6.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE
DEFENDANT AND HIS SURETY.

Take notice, that you, *A. B.*, are bound in the sum of
and you, *L. M.*, in the sum of that you, *A. B.*, appear
personally on at o'clock in the forenoon,
at before such Justices of the Peace for the said
as shall then be there, to answer further to a cer-
tain information (*or complaint*) of *C. D.*, the further hearing of which
was adjourned to the said time and place, and unless you appear
accordingly, the recognizance entered into by you, *A. B.*, and by
L. M. as your surety, will forthwith be levied on you and him.

Dated this day of 18 .

J. S.

No. 7.

CERTIFICATE OF NON-APPEARANCE TO BE INDORSED ON THE
DEFENDANT'S RECOGNIZANCE.

I hereby certify, that the said *A. B.* hath not appeared at the
time and place in the said condition mentioned, but therein hath
made default, by reason whereof the within-written recognizance is
forfeited.

J. S.

No. 8.

SUMMONS OF A WITNESS.

To *E. F.*, of

These are to require you to be and appear on
at o'clock in the forenoon, at before such Justices
of the Peace, for the said as may then be there, to testify
what you shall know concerning the matter of a certain information
(*or complaint*) made before me, the undersigned Justice of the Peace,
against a certain *A. B.* of

Given under my hand and seal, this day of
in the year of our Lord at in the
aforesaid.

J. S. (L. S.)

No. 9.

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

To the constable of and to all other peace-officers in
the said

Whereas information was laid (*or complaint was made*) before
the undersigned (one) of Her Majesty's Justices of the Peace, in
and for the said for that (*&c., as in the summons*); and
it having been made to appear to me, that *E. F.* of in
the said county, (labourer) was likely to give material evidence on
behalf of the (prosecutor), I did duly issue my summons to the said
E. F., requiring him to be and appear on at

No. 7.
Ord. No. 6,
1855.

o'clock in the forenoon of the same day, at before such
Justices of the Peace, for the said as might then be there
to testify what he should know concerning the said *A. B.*, or the
matter of the said information (*or complaint*); And whereas,
proof hath this day been made before me, upon oath, of such sum-
mons having been duly served upon the said *E. F.*; And whereas,
the said *E. F.* hath neglected to appear at the time and place
appointed by the said summons, and no just excuse hath been
offered for such neglect; these are therefore to command you to
take the said *E. F.*, and to bring and have him on at
o'clock in the forenoon, at before such Justices
of the Peace for the said as may then be there, to testify
what he shall know concerning the matter of the said information
(*or complaint*).

Given under my hand and seal, this day of
in the year of our Lord at in the
aforesaid.

J. S. (L. S.)

No. 10.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

To and to all other constables in the

Whereas information was laid (*or complaint was made*) before
the undersigned, (one) of Her Majesty's Justices of the Peace, in and
for the said for that (*&c.*, as in the summons), and it being
made to appear before me upon oath that *E. F.*, of
(labourer), is likely to give material evidence, on behalf of the
(prosecutor) in this matter, and it is probable that the said *E. F.*
will not attend to give evidence without being compelled so to do;
these are therefore to command you to bring and have the said *E. F.*
before me on at o'clock in the forenoon, at
or before such other Justices of the Peace for the said
as may then be there, to testify what he shall know
concerning the matter of the said information (*or complaint*).

Given under my hand and seal, this day of
in the year of our Lord at in the
aforesaid.

J. S. (L. S.)

No. 11.

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR TO GIVE EVIDENCE.

To *W. T.*, constable in the said
and to the keeper of the at

Whereas information was laid (*or complaint was made*) before
the undersigned, (one) of Her Majesty's Justices of the Peace, in
and for the said for that (*&c.*, as in the summons), and
one *E. F.*, now appearing before me, such Justice, as aforesaid, on
at and being required by me to make oath
or affirmation as a witness in that behalf, hath now refused so to do,
(or being now here duly sworn as a witness in the matter of the said

Note.—This
commitment
may be altered
to suit the case
of commitment
of a witness for
neglecting or
refusing to
appear when
accused.

No. 7.
Ord. No. 6,
1855.

information or complaint, doth refuse to answer certain questions concerning the premises which are now here put to him), without offering any just excuse for such his refusal; these are therefore to command you, the said constable, to take the said *E. F.*, and him safely convey to the at aforesaid, and there deliver him to the said keeper thereof, together with this precept, and I do hereby command you, the said keeper of the said to receive the said *E. F.* into your custody in the said and there imprison him for such his contempt for the space of days, unless he shall in the mean time consent to be examined and to answer concerning the premises, and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, this day of
in the year of our Lord at aforesaid.
J. S. (L. S.)

No. 12.

WARRANT TO REMAND A DEFENDANT WHEN APPREHENDED.

To *W. T.*, constable of and to the keeper of the
at

Whereas information was laid (*or* complaint was made) before the undersigned, (one) of Her Majesty's Justices of the Peace, in and for the said for that (*dc.*, as in the summons or warrant); And whereas the said *A. B.* hath been apprehended under and by virtue of a warrant upon such information (*or* complaint), and is now brought before me as such Justice as aforesaid: These are therefore to command you, the said constable, in Her Majesty's name, forthwith to convey the said *A. B.* to the at and there deliver him to the said keeper thereof, together with this precept, and I do hereby command you, the said keeper, to receive the said *A. B.* into your custody in the said and there safely keep him until next, the day of instant, when you are hereby commanded to convey and have him at at o'clock in the forenoon of the same day, before such Justices of the Peace of the said as may then be there, to answer to the said information (*or* complaint), and to be further dealt with according to law.

Given under my hand and seal, this day of
in the year of our Lord at in the
aforesaid.

J. S. (L. S.)

No. 13.

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND
IN DEFAULT OF SUFFICIENT DISTRESS, IMPRISONMENT.

Be it remembered, That on the day of
to wit. } in the year of our Lord at
in the said *A. B.* is convicted before
the undersigned, (one) of Her Majesty's Justices of the Peace for
the said for that (he the said *A. B.*, &c., stating the offence,
and the time and place when and where committed), and I adjudge

the said *A. B.* for his said offence, to forfeit and pay the sum of
(stating the penalty, and also the compensation, if any)
 to be paid and applied according to law, and also to pay the said
C. D. the sum of _____ for his costs in this behalf; and if
 the said several sums be not paid forthwith *(or on or before*
next)* I order that the same be levied by distress and sale of the
 goods and chattels of the said *A. B.*, and in default of sufficient
 distress* I adjudge the said *A. B.* to be imprisoned in the
 at _____ in the said _____ *(there to be kept to hard*
 labour) for the space of _____ unless the said several sums,
 and all costs and charges of the said distress, *(and of the commit-*
 ment, and conveying of the said *A. B.* to the said _____) shall
 be sooner paid.

No. 7.
 Ord. No. 6,
 1855.

Given under my hand and seal, the day and year first above
 mentioned, at _____ in the _____ aforesaid.

J. S. (L. S.)

* Or, where the issuing of a distress warrant would be ruinous
 to the defendant or his family, or it appears that he has no goods
 whereon to levy a distress, then instead of the words between the
 asterisks * *, say, "then inasmuch as it hath now been made to
 appear to me *(that the issuing of a warrant of distress in this behalf*
would be ruinous to the said A. B. and his family," or, "that the
said A. B. hath no goods or chattels whereon to levy the said sums
by distress,) I adjudge," &c. as above to the end.

No. 14.

CONVICTION FOR A PENALTY, AND, IN DEFAULT OF PAYMENT, IMPRISONMENT.

to wit. } Be it remembered, That on the _____ day of
 _____ in the year of our Lord _____ at
 _____ in the said _____ *A. B.* is convicted before
 the undersigned, *(one)* of Her Majesty's Justices of the Peace for the
 said _____, for that *(he the said A. B., &c., stating the*
offence and the time and place when and where it was committed);
 and I adjudge the said *A. B.* for his said offence to forfeit and pay
 the sum of _____ *(stating the penalty and the compensation, if any),*
 to be paid and applied according to law, and also to pay to the
 said *C. D.* the sum of _____ for his costs in this behalf; and if
 the said several sums be not paid forthwith *(or on or before*
next) I adjudge the said *A. B.* to be imprisoned in the
 at _____ in the said _____ *(and there to be kept to hard*
 labour) for the space of _____ unless the said several sums
(and the costs and charges of conveying the said A. B. to the said
 _____) shall be sooner paid.

Given under my hand and seal, the day and year first above
 mentioned at _____ in the _____ aforesaid.

J. S. (L. S.)

No. 15.

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, ETC.

to wit. } Be it remembered, that on the _____ day of
 _____ in the year of our Lord _____

No. 7.
Ord. No. 6,
1855.

in the said *A. B.* is convicted before the undersigned (one) of Her Majesty's Justices of the Peace for the said for that (he the said *A. B. &c.*, *stating the offence and the time and place when and where committed*) and I adjudge the said *A. B.* for his said offence to be imprisoned in the at in the said (and there kept to hard labour) for the space of and I also adjudge the said *A. B.* to pay the said *C. D.* the sum of for his costs in this behalf, and if the said sum for costs be not paid forthwith (*or on or before* next) then * I order that the said sum be levied by distress and sale of the goods and chattels of the said *A. B.*, and in default of sufficient distress in that behalf * I adjudge the said *A. B.* to be imprisoned in the said (and there kept to hard labour) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my hand and seal, the day and year first above mentioned, at in the county aforesaid.

J. S. (L. S.)

* Or where the issuing of a distress warrant would be ruinous to the defendant or his family, or it appears that he has no goods whereon to levy a distress, then instead of the words between the asterisks **, say, "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said *A. B.* and his family," or "that the said *A. B.* hath no goods or chattels whereon to levy the said sum for costs by distress, I adjudge," &c.

No. 16.

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (*or complaint*) preferred by *C. D.* against *A. B.* for that (*&c.*, *as in the summons*), was this day considered by me, one of Her Majesty's Justices of the Peace in and for the and was by me dismissed (*with costs*).

Dated this day of 18 .
J. S.

No. 17.

WARRANT OF DISTRESS.

To

Whereas *A. B.*, late of (labourer), was on this day (*or on* last past) duly convicted before the undersigned (one) of Her Majesty's Justices of the Peace, in and for the said for that (*stating the offence, as in the conviction*) and it was thereby adjudged that the said *A. B.* should for such his offence forfeit and pay (*&c.*, *as in the conviction*), and should also pay to the said *C. D.* the sum of for his costs in that behalf; and it was thereby ordered, that if the said several sums should not be paid (forthwith) the same should be levied by distress and sale of the goods and chattels of the said *A. B.*, and it was thereby also adjudged that, in default of sufficient distress, the said *A. B.* should be imprisoned in the said at

in the said (and there kept to hard labour) for the space of unless the said several sums, and all costs and charges of the said distress, and of the commitment and conveying of the said *A. B.* to the said should be sooner paid. And whereas the said *A. B.* being so convicted as aforesaid, and being (now) required to pay the said sums of and hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said *A. B.*, and if within the space of days next after the making of such distress the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, that then you do sell the said goods so by you distrained, and do pay the money arising by such sale unto me, the undersigned Justice, that I may pay and apply the same as by law is directed, and may render the overplus, if any, on demand, to the said *A. B.*, and if no such distress can be found, then that you certify the same unto me, to the end that such further proceedings may be had thereon as to the law doth appertain.

No. 7.
Ord. No. 6,
1855.

Given under my hand and seal, this day of
in the year of our Lord at in the
aforesaid.

J. S. (L. S.)

No. 18.

INDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Whereas proof upon oath hath this day been made to wit. } before me, one of Her Majesty's Justices of the Peace, in and for the said that the name of *J. S.* to the within warrant subscribed is of the handwriting of the Justice of the Peace within mentioned.

I do therefore authorize *W. T.*, who bringeth to me this warrant, and all other persons to whom this warrant was originally directed, or by whom the same may be lawfully executed, and also all constables and other peace-officers of the said to execute the same within the said

Given under my hand this day of 18 .

J. B.

No. 19.

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, *W. T.*, constable of in the do hereby certify to *J. S.*, Esquire, one of Her Majesty's Justices of the Peace for the said that by virtue of this warrant I have made diligent search for the goods and chattels of the within mentioned *A. B.*, and that I can find no sufficient goods or chattels of the said *A. B.* whereon to levy the sums within mentioned.

Witness my hand this day of 18 .

W. T.

No. 7.
Ord. No. 6,
1855.

No. 20.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

To the constable of _____ and to the keeper of the _____
at _____ in the said _____

Whereas *(&c., as in either of the foregoing distress warrants, Nos. 1, 2, to the asterisk (*), and then thus)*; And whereas, afterwards on the _____ day of _____ in the year aforesaid, I, the said Justice, issued a warrant to the constable of _____ commanding him to levy the said sums of _____ and _____ by distress and sale of the goods and chattels of the said A. B. And whereas it appears to me, as well by the return of the said constable to the said warrant of distress as otherwise, that the said constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found: These are therefore to command you, the said constable of _____ to take the said A. B. and him safely to convey to the _____ at _____ aforesaid, and there deliver him to the said keeper, together with this precept; and I do hereby command you, the said keeper of the said _____, to receive the said A. B. into your custody in the said _____ there to imprison him (and keep him to hard labour) for the space of _____ unless the said several sums and all the costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said _____), amounting to the further sum of _____, shall be sooner paid unto you, the said keeper, and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____
in the year of our Lord _____ at _____
in the _____ aforesaid.

J. S. (L. S.)

No. 21.

WARRANT OF COMMITMENT UPON A CONVICTION.

in the first instance, to the constable of _____
and to the keeper of the _____ at _____

in the _____

Whereas A. B., late of _____ (labourer) was on this day duly convicted before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said _____ for that *(stating the offence as in the conviction)*, and it was thereby adjudged that the said A. B. for his said offence should forfeit and pay the sum of _____ *(&c., as in the conviction)*, and should pay to the said C. D. the sum of _____ for his costs in that behalf; and it was thereby further adjudged that if the said several sums should not be paid (forthwith), the said A. B. should be imprisoned in the _____ at _____ in the said _____ (and there kept to hard labour) for the space of _____ unless the said several sums (and the costs and charges of conveying the said A. B. to the said _____) should be sooner paid. And whereas the time in and by the said conviction appointed for the payment of the said

several sums hath elapsed, but the said *A. B.* hath not paid the same or any part thereof, but therein hath made default: These are therefore to command you, the said constable of _____ to take the said *A. B.*, and him safely to convey to the _____ at _____ aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you, the said keeper of the said _____ to receive the said *A. B.* into your custody in the said _____, there to imprison him (and keep him to hard labour) for the space of _____, unless the said several sums, and the costs and charges of conveying him to the said _____ (amounting to the further sum of _____) shall be sooner paid; and for your so doing, this shall be your sufficient warrant.

No. 7.
Ord. No. 6,
1855.

Given under my hand and seal, this _____ day of _____
in the _____ in the year of our Lord _____ at _____
aforesaid.

J. S. (L. S.)

No. 22.

WARRANT OF COMMITMENT ON A CONVICTION WHERE THE PUNISHMENT IS BY IMPRISONMENT.

To the constable of _____ and to the keeper of the _____
at _____ in the said _____

Whereas *A. B.*, late of _____ (labourer), was this day duly convicted before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said _____ for that (*stating the offence as in the conviction*), and it was thereby adjudged that the said *A. B.* for his said offence should be imprisoned in the _____ at _____ in the said _____ (and there kept to hard labour) for the space of _____ These are therefore to command you, the said constable of _____ to take the said *A. B.*, and him safely convey to the _____ at _____ aforesaid, and there to deliver him to the keeper thereof, together with this precept; and I do hereby command you, the said keeper of the said _____ there to imprison him (and keep him to hard labour) for the space of _____ and for your so doing this shall be your sufficient warrant.

Given under my hand and seal, this _____ day of _____
in the _____ in the year of our Lord _____ at _____
aforesaid.

J. S. (L. S.)

No. 23.

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL OF AN INFORMATION OR COMPLAINT.

To the constable of _____ and to all other
peace-officers in the said _____

Whereas on _____ last past information was laid (or complaint was made) before the undersigned (one) of Her Majesty's Justices of the Peace in and for the said _____

z

No. 7.
Ord. No. 6,
1855.

for that (*etc., as in the order of dismissal*) and afterwards to wit, on
at both parties appearing before me in
order that I should hear and determine the same, and the several
proofs adduced to me in that behalf being by me duly heard and
considered, and it manifestly appearing to me that the said infor-
mation (*or complaint*) was not proved, I therefore dismissed the
same, and adjudged that said *C. D.* should pay the said *A. B.* the
sum of for his costs incurred by him in his defence
in that behalf; and I ordered that if the said sum for costs should
not be paid (forthwith), the same should be levied of the goods
and chattels of the said *C. D.* (and I adjudged that in default of
sufficient distress in that behalf, the said *C. D.* should be imprisoned
in the at in the said
and there kept to hard labour for the space of unless
the said sum for costs and all costs and charges of the said distress,
and of the commitment and conveying of the said *C. D.* to the said
should be sooner paid).

(*) And whereas the said *C. D.* being now required to pay unto
the said *A. B.* the said sum for costs, hath not paid the same or any
part thereof, but therein hath made default: These are therefore
to command you in Her Majesty's name forthwith to make distress
of the goods and chattels of the said *C. D.*, and if within the space
of days next after the making of such distress, the
said last-mentioned sum, together with the reasonable charges of
taking and keeping the said distress, shall not be paid, that then
you do sell the said goods and chattels so by you distrained, and
do pay the money arising from such sale to that he
may pay and apply the same as by law directed, and may render
the overplus (if any) on demand, to the said *C. D.*, and if no such
distress can be found, then that you certify the same unto me to the
end that such proceedings may be had therein as to the law doth
appertain.

Given under my hand and seal, this day of
in the year of our Lord at
in the aforesaid.

J. S. (L. S.)

No. 24.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE.

To the constable of and to the keeper of the
at in the said

Whereas, (*etc., as in the last form to the asterisk (*)*), and then
thus); And whereas afterwards, on the day of
in the year aforesaid, I the said Justice issued a
warrant to the constable of commanding him to levy
the said sum of for costs by distress and sale of the
goods and chattels of the said *C. D.*; And whereas it appears to
me, as well by the return of the said constable to the said warrant
of distress as otherwise, that the said constable hath made diligent
search for the goods and chattels of the said *C. D.*, but that no
sufficient distress whereon to levy the sum above mentioned could
be found: These are therefore to command you, the said constable

of _____ to take the said *C. D.*, and him safely convey to the _____ at _____ aforesaid, and there deliver him to the said keeper thereof, together with this precept; and I do hereby command you, the said keeper of the said _____ to receive the said *C. D.* into your custody in the said _____ there to imprison him (and keep him to hard labour) for the space of _____, unless the said sum and all costs and charges of the said distress, (and of the commitment and conveying of the said *C. D.* to the said _____) amounting to the further sum of _____ shall be sooner paid unto you the said keeper, and for your so doing this shall be your sufficient warrant.

No. 7.
Ord. No. 6,
1855.

Given under my hand and seal, this _____ day of _____ in the year of our Lord _____ at _____ in the _____ aforesaid.

J. S. (L. S.)

Approved,

12th June, 1856.

W. R. INGLIS, *President.*

CLASS XII.

POLICE REGULATIONS AND LAWS RELATING TO OFFENCES IN WHICH JUSTICES OF THE PEACE HAVE SUMMARY JURISDICTION.

FIRST DIVISION.—ALIENS, VAGRANTS, AND LUNATICS.

No. 1.—4 Wm. 4, ch. 11. *An Act to prevent the resort of Rogues, Vagabonds, and other idle and disorderly Persons to the Bahama Islands; for the punishment and correction of certain Offences therein specified, and for other purposes therein mentioned.* (Nov. 12, 1833.)

No. 1.
Act 4 W. 4,
c. 11.

I. II. III. Repealed by 3 Vic. ch. 3.

IV. V. Repealed by Ord. 12, 1855.

VI. And whereas many persons have resorted to the Turks and Caicos Islands from parts beyond sea, not under the dominion of His Majesty, greatly to the danger of the peace and good order of the same: Be it, &c., That whenever any vessel shall arrive at any port or place within the Government of the Turks and Caicos, from any port or place not under the dominion of His Majesty, the master or other person having the command thereof shall, within twenty-four hours after the arrival of such vessel in such port or harbour, report upon oath to the acting magistrate, or some other magistrate, the name and description of every passenger being on board the said vessel at the time of her arrival, and of what profession, trade, or occupation every such passenger may be, under penalty of Ten* pounds for every neglect or refusal to do so; which penalty shall be levied by warrant under the hand and seal of the police or other magistrate as aforesaid, who is hereby authorized to issue such warrant; and in case no goods and chattels of such offender or offenders can be found, and the said penalty shall not

Masters of vessels arriving in any port within these Islands from any place out of Her Majesty's dominions, to report names of passengers.

Penalty on their neglecting or refusing to make a report to a Magistrate.

* All sums mentioned in this Act are at the old rate of Bahama currency. See *ante*, Note, p. 41.

No. 1.
Act 4 W. 4,
c. 11.

Duty of Magistrate in respect to passengers not having any visible means of livelihood, &c.

be paid, then the said police or other magistrate as aforesaid, is hereby authorized and empowered to commit the person or persons so offending to the common gaol for any term not exceeding thirty days; and if it shall appear by such report or any other authentic information to the said magistrate, that any such passenger hath not any visible means of livelihood, or is, or hath been considered in the place or places from whence he or they last came, in the light of an idle and disorderly person, or a rogue, vagabond, or swindler, such magistrate shall immediately thereupon report the same to the President, who is hereby authorized and empowered to order and direct the said magistrate to issue a warrant under the hand and seal of such magistrate, to be directed to the master or other person having the command of the vessel in which such passenger shall have arrived, thereby ordering and requiring such master or other person to take and keep such passenger on board his said vessel, and to convey him, her, or them, either back to the port or place from whence such vessel shall have departed upon the commencement of her voyage, or to any other port or place to which she may be bound without the limits of the Presidency; and every master or other person having the command of such vessel refusing to obey and comply with such order or warrant, the sureties of such vessel shall forfeit and pay the sum of two hundred pounds, to be sued for and recovered in the Supreme Court of these islands, by bill, plaint, or information in the name of the king; all which sums, when recovered, shall go and be applied in aid and support of this Government.

Rogues and vagabonds confined in the Gaol, how dealt with.

VII. And whereas such rogues, vagabonds, and others, are frequently of such evil and wicked dispositions as to be callous to shame, and indifferent to punishment and correction, and are oftentimes confined in the common gaol for offences not within this Act, to the expense and inconvenience of this Government; Be it, &c., That whenever any such person or persons so confined shall appear to be unable to maintain himself, herself, or themselves in the said gaol, he, she, or they, if not British subjects, may, by order of the President for the time being, by and with the advice of his Majesty's council, upon application to him made, by any two or more magistrates, be sent to any port or place without the limits of the Bahama Islands, the passage money and other necessary expenses of such person or persons to be paid out of the public Treasury of these islands, by warrant under the hand and seal of the said President.

Lunatics, how dealt with.

VIII. And whereas there are sometimes persons who by lunacy or otherwise are furiously mad, or are so far disordered in their senses that it may be dangerous for them to be permitted to go abroad; Be it, &c., That it shall and may be lawful for any two or more Justices of the Peace, where such lunatic or mad person shall be found, by warrant under their hand and seal directed to any constable, to cause such person to be apprehended and kept safely locked up in some secure place within the island or district where such lunatic or mad person shall be found, until the care and custody of such lunatic or other mad person shall be demanded by his or her nearest relations or friends, or until he or she shall be removed out of such custody as aforesaid, by legal process out of Chancery or otherwise; and the reasonable charges of keeping and maintaining such person during such restraint, by order of the

magistrates as aforesaid, shall be paid and satisfied (the charges being first proved upon oath) by order of any two or more Justices of the Peace directing the Provost Marshal or any constable to seize and sell so much of the goods and chattels of such person as is necessary for that purpose, and to account to the Supreme Court for what is so seized and sold; and in default of such goods and chattels, the same to be paid for out of the public Treasury.

IX. Any person sued for anything done in pursuance of this Act, may plead the general issue, and give the special matter in evidence; and if judgment be given for defendant or plaintiff, discontinue or be nonsuited, judgment shall be entered up with double costs for such defendant.

X. Duration, ten years.*

No. 1.
Act 4 W. 4,
c. 11.

Persons sued
may plead the
general issue.

Duration.

SECOND DIVISION.—UNLAWFUL CUTTING AND CARE- LESS BURNING OF TIMBER, &c.

No. 2.—4 Wm. 4, ch. 32. *An Act the better to prevent the unlawful Cutting of Timber, or other Wood, or Bark, on Lands within this Government, without sufficient authority.* (March 20th, 1834.)

No. 2.
Act 4 W. 4,
c. 32.

WHEREAS an unlawful practice prevails among these islands of cutting timber and other wood growing on your Majesty's lands, and those of your Majesty's subjects, and carrying away the same without your Majesty's permission, or that of the other owners of the soil; May it, &c., That from and after the first day of June, in the year One thousand eight hundred and thirty-four, each and every vessel and boat arriving at any port or place within these islands, where there may be a custom-house, or an officer of revenue legally stationed, the cargo of which shall consist either wholly or in part of timber usually employed, either for use or ornament, in the building of ships or houses, or as a material for furniture, or the like, or of lignum-vitæ, firewood, (excepting buttonwood for fuel) or of logwood, fustic, braziletto, or other dye-wood, or of medicinal or other bark, or the like, of the growth and cut, and taken on and from any island or islands, quay or quays, within this Government, shall, by the master or other person having charge of such vessel, boat, or cargo, be reported to such custom-house or officer of the customs with a manifest in writing of such cargo as aforesaid, setting forth the quantity and quality of the same, and every part of the same respectively: and stating on and from what lands, whether of His Majesty's or of private persons, and what person or persons particularly, the same, and each, and every part of the same, had been so cut and taken respectively, and at what time particularly: and there shall be at the same time produced by the said master or other person having charge of such vessel, boat, or cargo, a license or permission in writing, duly dated, if such timber, wood, bark, or the like, shall have been cut on lands belonging to his Majesty, from the President; and if on the lands of any private person or persons, from

PREAMBLE.

Vessels whose
cargo shall
consist of
Timber, &c.
must be re-
ported by the
Master, at the
Custom-house.

Master of ves-
sels and boats
to produce a
license for cut-
ting Timber,
&c.

* Continued by Act 7 Vic. ch. 3, for ten years, from 9th January, 1844; and further by Ord. 10, 1851, and 2, 1857, for five years, from 6th November, 1857.

No. 2.
Act 4 W. 4,
c. 32.

Penalty should
no report be
made within
twenty-four
hours after
arrival, and for
false report,
&c.

By whom
seizures may
be made.

False state-
ments, how
punished.

such person or persons, or his or their lawful representative or representatives, showing that such timber, wood, bark, or the like, had been so cut within six calendar months after the date of such license or permission, should no particular term of time be therein named, or any shorter or longer term that may be named in such license or permission, for the operation of the same: and any officer of the revenue is hereby authorized to oblige the parties so importing the same to verify the said report and statements, and to authenticate the license or permission therewith produced: and should no such report be made within twenty-four hours after the arrival in port of such vessel or boat (Sundays excepted), unless from some good and sufficient cause shown for the neglect: or should any such report, manifests, or statements, as aforesaid, be untrue in any respect, (excepting trifling errors as to the alleged quantity, quantities, or measurement of such cargo, or any parts thereof, respectively;) or should any such license or permission, as aforesaid, be counterfeited or forged, or fraudulently erased or altered, or the like, or should any part of such cargo be landed before such report shall have been made, as aforesaid, together with the manifest and statements, as aforesaid, according to the true intent and meaning of this Act, then, and in every such case, the cargo of timber, wood, bark, or the like, as aforesaid, shall be and become forfeited to His Majesty, his heirs, and successors.

II. That all seizures in virtue of this Act shall and may be made by any officer of the Customs or other person duly authorized to make seizure in similar cases of offences against the laws of trade or navigation within these islands; and if such seizures be made in or near the islands, the validity of the seizure may be forthwith tried in a summary way by any two Magistrates to whom the facts of the case shall be submitted under oath, and who shall be satisfied that the party in possession of or claiming the property so seized at the time of such seizure shall have had due notice of the proceedings so had against the same; and on condemnation of the same, the same shall and may be publicly sold as the said Magistrate shall direct; and the proceeds, after the payment of all costs and charges shall go, one moiety to the seizing officer prosecuting for the same, and the other moiety to His Majesty, in aid of defraying the expenses of this Government; but if the seizure shall take place at or near any island or quay, other than Turks island, the seizing officer is hereby authorized and required to take or send the property so seized to Turks Islands, as may be most convenient for trial, condemnation, and sale, as aforesaid.

III. This clause has reference to the Island of New Providence alone.

IV. That any person who shall verify, as aforesaid, or declare to any statement or statements provided for by this Act, knowing the same or any one or more of them to be false, shall be held guilty of a misdemeanour: and any person forging or counterfeiting any license or permission, or fraudulently erasing or altering any part of a true one, within the meaning of this Act, or using such license or permission, knowing the same to be forged or counterfeited, or fraudulently erased or altered, as aforesaid, shall be held guilty of a misdemeanour, to be tried in both cases in the Supreme Court, and, on conviction, the offender shall be sentenced to fine and imprisonment, at the discretion of the Court.

V. That any person sued for anything done, or alleged to be done, in virtue or pursuance of this Act, may plead the general issue, and under the same give this Act, and all special matter in evidence: and in case of judgment for the defendant, or discontinuance of suit, the defendant shall have treble costs.

VI. Duration, five years.*

No. 2.
Act 4 W. 4,
c. 32.

Persons sued
may plead the
general issue.

No. 3.—6 Wm. 4, ch. 7. *An Act for the summary punishment of persons Burning and Destroying the standing Woods, and other property of His Majesty and his subjects, by the careless use of Fire.* (May 26th, 1836.)

No. 8.
Act 6 W. 4,
c. 7.

WHEREAS by the law now in force in this colony, those persons only who shall be found guilty of unlawfully and maliciously setting fire to any standing wood on these islands, or to any plantation of trees, or any stacks of wood, timber, or lumber, or to any crops on plantations, whether standing or cut down, are criminally liable to punishment; And whereas, from the frequent fires which take place, and are communicated to lands of His Majesty and others, and the consequent destruction of the timber growing thereon, it is expedient to provide for the punishment of persons who, by the careless use of fire, shall be the cause of injury, damage, or destruction to public or private property; May it, &c., That from and after the passing of this Act, any person or persons whomsoever, who shall, by the careless use of fire, burn, destroy, injure, or damage any of the woods, trees, stacks of wood, timber, lumber, crops on plantations, whether standing or cut down, or any other property whatsoever, being the property of His said Majesty, or of his subjects, as aforesaid, or of any inhabitants of the colony, shall, upon conviction before any one of His Majesty's Justices of the Peace (who is hereby declared to have full power, authority, and jurisdiction, in the premises), forfeit and pay such sum of money as shall appear to the Justice to be a reasonable compensation for the damage, injury, or destruction committed, not exceeding the sum of ten pounds† Bahama currency; which sum of money shall, in the case of private property, be paid to the party aggrieved, except where such party shall have been examined in proof of the offence; and in such case, or in the case of property of a public nature, or wherein any public right is concerned, the money shall be paid into the Public Treasury of these islands, and applied in aid of the expenses of this Government; or subject to the disposal of the Crown, as the case may be: and if such sum of money, together with costs (if ordered), shall not be paid, either immediately after the conviction, or within such period as the Justice, at the time of conviction, shall appoint, the Justice may commit the offender to the common gaol, workhouse, or house of correction, for any term not exceeding three calendar months, at the discretion of the convicting Justice, unless such sums and costs be sooner paid.

PREAMBLE.

Penalty for
destroying
property by
the careless use
of fire.

Penalty, how
disposed of.

Remedy in
default of
payment.

* By 8 Vic. ch. 14, passed 28th February, 1845, this Act is continued in force for five years from that day, and from thence to the end of the then next Session of Assembly; and further continued by Ord. 10, 1851, and 2, 1857, for five years from 6th November, 1857.

† See note *ante*, page 41.

THIRD DIVISION.—RETAIL OF SPIRITUOUS LIQUORS.

No. 4.
Ord. No. 1,
1849.

No. 4.—ORDINANCE No. 1 of 1849.

An Ordinance to regulate the Sale of Spirituous Liquors, Wines, and other Liquors within the Turks and Caicos Islands. (Passed 14th June, 1849. In force 1st December, 1849.)

PREAMBLE.

Quarterly
meeting of
Justices
appointed.

Licenses in
force, to re-
main good for
the time for
which they
were granted.

Days appointed
for quarterly
meetings.

Penalty for
any Justice
interested in
any applica-
tion for a
Liquor License,
who takes part in proceedings.

Places for
holding
quarterly
meetings.

Number of
Justices re-
quisite.

Not lawful to
retail spirits
without a
License.

Application for
Licenses, how
made.

WHEREAS it is expedient that the laws now in force within the Turks and Caicos Islands, regulating the sale of spirituous liquors and other liquors, should be revised and amended; May it, &c., That from and after the commencement of this Ordinance, it shall be the duty of the Justices of the Peace of the said islands, to meet four times in every year at certain times and places, and for certain purposes hereinafter mentioned.

II. And be it further ordained, that all licenses for retailing spirituous or other liquors, in force at the time of the commencement of this Ordinance, shall continue good and valid, subject to the provisions of this Ordinance, until the expiration of the term for which such licenses were originally granted, but that no new license shall be granted, except in accordance with the provisions of this Ordinance.

III. And be it further ordained, that the second Tuesday in the months of January, April, July, and October in each year, shall be appointed for the quarterly meetings of the Justices as aforesaid: and the Police Magistrate is hereby required to give public notice of such meetings, specifying the time and place thereof, and shall also notify the same to the several Justices of the Peace, according to the form hereunto annexed, marked A.

IV. And be it further ordained, that no Justice of the Peace who is interested in the result of any application to be considered at any such meeting, shall take any part in the proceedings thereof, under a penalty of one hundred pounds for every such offence, to be sued for and recovered in the Superior Court of these islands.

V. And be it further ordained, that at Grand Cay, the quarterly meetings of the Justices aforesaid shall be held at the Court House, and at Salt Cay, at the Town Hall, and any three Justices, when assembled, shall be a sufficient number to proceed to the business of the meeting; and at all such meetings, the police or acting Police Magistrate for these islands, at Grand Cay, or in his absence, the assistant Police Magistrate at Salt Cay, shall preside as chairman.

VI. And be it further ordained, that it shall not be lawful for any person whomsoever, within the Turks and Caicos Islands, either personally or by any other person on his or her behalf, to retail any spirituous liquors or other liquors, without having first obtained a license for that purpose in manner hereinafter provided for, and unless such license shall be and remain in full force.

VII. And be it further ordained, that all applications for licenses to retail spirituous liquors on Grand Cay and at the Caicos Islands, or to renew any license already obtained, be sent in, in writing, to the police office at Grand Cay, and in the same

manner to the assistant Police Magistrate at Salt Cay. And all such applications shall be filed by the clerks in those respective offices, and entered in books to be kept for that purpose, for which service such clerks (if rendered by the clerks, and forms supplied by them), shall be entitled to demand and receive from every such applicant the sum of Twelve shillings and sixpence.

VIII. And be it further ordained, that all such applications shall be according to the form hereto annexed marked B, and all applications to retail spirituous or other liquors at Grand Cay or at the Caicos, so sent in to the office of the Police Magistrate, shall be laid by him before the said Justices, at their next quarterly meeting. And all applications for licenses to retail spirituous or other liquors at Salt Cay, shall be laid by the assistant Police Magistrate before the Justices at Salt Cay at their next quarterly meeting.

IX. And be it further ordained, that every application for a license to retail spirituous or other liquors at these islands, shall be accompanied by a certificate from three persons who are qualified to serve on juries, that the person applying is a sober and discreet person, and fit to be trusted to retail spirituous or other liquors.

X. And be it further ordained, that the party applying for such license as aforesaid, shall state in such application the place, shop, or store, in which such sale of spirituous or other liquors is to be carried on; and it shall not be lawful for any person, having obtained a license to retail spirituous or other liquors, to retail the same in any place except the one mentioned in his application as aforesaid, without permission in writing first had and obtained from the Justices assembled at a quarterly meeting; which permission the said Justices are authorized to grant at their discretion. And any licensed retailer, retailing spirituous or other liquors elsewhere than in the place for which he or she obtained a license without such permission, shall be dealt with as an unlicensed retailer.

XI. And be it further ordained, that any person may attend such quarterly meetings, and may lawfully remonstrate in a respectful manner, against the granting of a license to any such applicant, and may state his or her objection to the person applying, or to the place specified in any such application.

XII. And be it further ordained, that it shall be lawful for the Justices aforesaid, to determine to which of the said applicants it is most proper licenses should be granted, and also whether the place specified in any such application is a fit and proper place for the retailing of spirituous or other liquors, and shall give to such of the applicants whose applications for licenses they shall deem most proper should be granted, certificates according to the form annexed, marked C.

XIII. And be it further ordained, that any person having obtained such certificate, may, within ten days after the date thereof, obtain a license to retail spirituous or other liquors, by producing such certificate at the office of the Colonial Secretary at Grand Cay, or the deputy Colonial Secretary at Salt Cay, together with a receipt under the hand of the receiver and treasurer for the sum of Twenty-five pounds, and having entered into bond as hereafter directed, and having paid all lawful fees due for such license, he or she shall be entitled to receive the same.

No. 4.
Ord. No. 1,
1849.

Application to
be sent to
Police Office.

Application to
be accompa-
nied by a cer-
tificate of fit-
ness.

Application to
state the place
in which such
business is to
be carried on.

Any one may
attend quarter-
ly meetings
and object to
the granting
of Licenses.

Justices to de-
cide to whom
Licenses shall
be granted and
to give certi-
ficates.

Manner of
procuring
Licenses.

No. 4.
Ord. No. 1,
1849.

Bond to be
given.

Retailer to
have a sign-
board over his
door.

Retailer not to
sell anything
but spirits and
liquors, in
liquor shop:
Liquor shop
not to com-
municate with
any other
shop.

No spirits or
liquors to be
sold on the
Lord's day.

No gaming,
tippling, or
drunkenness
allowed in
liquor shop.

Penalty for
retailing with-
out a license.

No goods to
be taken in
pledge or
baiter for
liquors.

XIV. And be it further ordained, that before any person shall obtain a license to retail spirituous liquors or other liquors, such person shall enter into bond with two sufficient sureties in the sum of Fifty pounds each, and such bond shall be taken in the name of Her Majesty, her heirs and successors, and shall be conditioned for the maintenance of good order, in such place, store, or shop, in which such liquors are sold by retail, and for the due observance of all the provisions of this Ordinance.

XV. And be it further ordained, that every licensed retailer of spirituous liquors or other liquors, shall have a board with his or her name painted thereon, in white letters upon a black ground, together with the words "Licensed to Retail Spirituous Liquors," in large legible characters, and such name and words shall be printed in letters of not less than two inches in length, and shall be displayed in a conspicuous place, in front of the store or shop of such retailer, on pain of being considered an unlicensed retailer, and dealt with as such.

XVI. And be it further ordained, that no person so licensed shall sell or dispose of anything but spirituous liquors or other liquors in the store, shop, or place in which the sale of spirituous liquors and other liquors by retail is carried on, nor shall any such store, shop, or place communicate with, or open into any other store, shop, or place in which the sale of other articles shall be carried on, under a penalty, not exceeding Two pounds for the first offence, and for every subsequent offence, under the penalties hereinafter mentioned.

XVII. And be it further ordained, that no licensed retailer, as aforesaid, shall sell any spirituous liquors or other liquors on the Lord's Day or Good Friday, or before sunrise or after sunset; neither shall it be lawful for any such store, shop, or place in which such liquors are sold by retail, to remain open after sunset, under a penalty not exceeding Two pounds for the first offence, and for any subsequent offence, under the penalty hereinafter provided.

XVIII. And be it further ordained, that no licensed retailer, as aforesaid, shall suffer any person or persons to gamble, get drunk, or tittle in or about such store, shop, or place in which such liquors are sold, under a penalty not exceeding Five pounds for the first offence, and for any subsequent offence under the penalties hereinafter mentioned.

XIX. And be it further ordained, that any person who shall, without a license for that purpose first had and obtained in manner before directed, and which remains in full force, dispose of any spirituous liquors or other liquors in less quantities than three imperial gallons,* or of any description of wines, ale, porter, or malt liquors in less than one dozen of bottles, commonly called quart bottles, shall be considered an unlicensed retailer; and for every such offence shall be liable to a penalty not exceeding Twenty pounds.

XX. And be it further ordained, that no licensed retailer shall receive or take goods of any kind, or articles of clothing, or tools, or working implements of any kind in pledge, or in exchange for spirituous liquors or other liquors, under a penalty not exceeding Ten pounds for the first offence, and for any subsequent offence shall be liable to the penalties hereinafter mentioned.

* The words in italics are repealed by Ord. 15, 1855, sec. 6

No. 4.
Ord. No. 1,
1849.

Penalties for
second and
subsequent
offences.

XXI. And be it further ordained, that every offence committed by a licensed retailer, for the second or subsequent commission of which no specified punishment is hereinbefore provided, shall render such retailer, upon conviction for such second offence, liable to a penalty not exceeding double the amount of the first penalty, and for a third offence to a penalty not exceeding treble the amount of the first penalty; and any subsequent offence shall render such retailer liable to forfeit his or her license, and also the penalty of his or her bond, at the discretion of the Justices assembled at a quarterly meeting as aforesaid: and the production of the book containing the records of such former convictions shall be sufficient evidence of such former convictions.

XXII. And be it further ordained, that nothing in this Ordinance contained shall be held to apply to Physicians, apothecaries, or others who may sell or dispose of medicines, or perfumery, of which spirits may form a component part.

Ordinance not
to apply to
sales of
medicines or
perfumery.

XXIII. And be it further ordained, that it shall and may be lawful for any retailer of spirituous liquors or other liquors to transfer his or her license to a party unlicensed, or to remove his or her license from his or her licensed premises to new premises by permission of the Justices at a quarterly meeting assembled; an application for such permission to be made in the same manner as an application for a license; which application shall be filed and entered by the clerks in the several police offices, and for which they shall be entitled to receive a fee of ten shillings: Provided always that it shall be at the discretion of the Justices aforesaid to grant or refuse such permission; and for every such transfer a fee of two pounds shall be paid at the office of the Colonial Receiver, to be paid into the Colonial Treasury in aid of the expenses of this Government; and upon receipt from the Colonial Receiver and Treasurer being produced to the Colonial Secretary or his deputy, he shall indorse on such license the name of the person to whom such license is transferred, and the place in which such business is to be carried on.

Transfer of
license allowed

XXIV. And be it further ordained, that all offences against this Ordinance may be heard and determined before two Justices of the Peace, of whom one shall be a Police or assistant Police Magistrate; and that all fines and forfeitures, not exceeding twenty pounds in amount, may be made and levied on the goods and chattels of the offender by warrant under the hand of the Justices before whom such offender was convicted; and in default of goods and chattels, it shall be lawful for such Justices to issue a warrant to arrest such offender, and commit the said offender to any lawful place of confinement for any time not exceeding one hundred days, unless such fine and costs be sooner paid.

Penalties how
recovered.

XXV. And be it further ordained, that any penalty or fine to a greater amount than twenty pounds may be sued for and recovered in any Court of competent jurisdiction: and all such penalties and fines, when recovered, shall be appropriated as follows; to wit, one moiety thereof to the use of her Majesty, her heirs, and successors, to be applied towards the support of the Government of these islands, and the other moiety thereof to the informer or other person who shall procure the conviction of such offender.

Penalties how
recovered.

XXVI. And be it further ordained, that the said last-mentioned fines, penalties, and forfeitures, if not sooner paid, may be made and

Penalties how
recovered.

No. 4.
Ord. No. 1,
1849.

levied of the offender's goods and chattels by writ of execution; and in default of goods and chattels, the officer executing such writ shall arrest the offender, and commit him to some lawful place of confinement for the space of time mentioned in such writ, such term to be fixed by the Judge in giving judgment in such case, and not to exceed six months.

Limitation of
prosecution.

XXVII. And be it further ordained, that every complaint or information for any offence against this Ordinance shall be made, and the party charged therewith summoned within a month after such offence committed, and not afterwards.

Appeal allowed.

XXVIII. And be it further ordained, that any retailer of spirituous liquors, wines, or other liquors, convicted before two Justices of the Peace of any offence committed against this ordinance, may appeal from such conviction to the superior Court of these islands: Provided that the party appealing shall first deposit the amount of the fine or penalty imposed with costs in the hands of the convicting Justices; and such fine, penalty, and costs so paid, shall be returned to the party appellant if the conviction of such Justices shall be set aside; or if such conviction be confirmed, shall be appropriated as is hereinbefore directed; and every decision of such superior Court, as aforesaid, shall be final and conclusive.

Meaning of
the words
spirituous
liquors and
other liquors.

XXIX. And be it further ordained, that the words spirituous liquors or other liquors, wherever they occur in this Ordinance, shall be understood to include rum, brandy, gin, whisky, or other distilled spirits, or any compounds or mixtures of the same, and also wine, beer, porter, ale, cider, and perry.

XXX. XXXI. Repealed by Ord. 15, 1855, sect. 6.

Nothing herein
contained to
restrict the
jurisdiction of
Police or As-
sistant Police
Magistrate or
Stipendiary
Justice.

XXXII. And be it further ordained, that no provision in this Ordinance shall be construed to limit, restrict, or supersede the jurisdiction of the Police Magistrate, or assistant Police Magistrate, or Stipendiary Justice for these islands over the parish or parishes, district or districts (as may hereafter be defined) within Salt Cay or the Caicos Islands: And provided always, that nothing in the foregoing, or in any of the clauses in this Ordinance, shall restrict, limit, or set aside the power or legality of the President or Officer administering the Government from naming and appointing, provisionally, any Magistrate within these islands to act as assistant Police Magistrate at Salt Cay, or at the Caicos, for the purposes of this Ordinance.

APPENDIX.

FORM A.

Grand Cay, 18

Gentlemen,

You are hereby notified that on the day of the
Justices of Grand Cay will assemble at the Court House to hold
their quarterly meeting for

A. B., Police Magistrate.

To Messrs. A. B. }
C. D. } Justices, Grand Cay.

N. B.—For Salt Cay the same form may be used, altering the words "Grand Cay" to "Salt Cay," and "Court House" to "Town Hall."

FORM B.

No. 4.
Ord. No. 1,
1849.

Application for License.

Gentlemen,

I request that a license may be granted me to retail spirituous liquors, wines, and other liquors in that (*here describe premises*)

at Grand Cay, and I offer and
as my sureties for the observance of the
Ordinance in such case made and provided.

A. B.

To the Justices of the Peace
Grand Cay (*or Salt Cay*).

FORM C.

Certificate of Justices.

We certify that A. B. has complied with the forms required in the Ordinance regulating the sale of liquors, and that we approve of his obtaining a license to retail at

and of the sureties he has offered for the performance of the condition of his bond.

No. 5.—ORDINANCE No. 15 of 1855.

No. 5.
Ord. No. 15,
1855.

An Ordinance to amend Ordinance No. 1 of 1849, entitled "An Ordinance to regulate the sale of Spirituous Liquors, Wines, and other Liquors, within the Turks and Caicos Islands." (Passed 1st November, 1855. Confirmed 20th March, 1856.)

WHEREAS the Ordinance No. 1 of 1849 entitled "An Ordinance to regulate the Sale of Spirituous Liquors, Wines, and other Liquors within the Turks and Caicos Islands" has been found to require amendment; May it, &c. PREAMBLE.

Sections I. and II. repealed by Ordinance No. 13 of 1860.

III. That merchants, hotel-keepers, and persons desirous of selling wines, cordials, liqueurs, or fermented liquors, in quantities not less than one pint bottle, may do so by procuring a license to be obtained in the same manner as a license to retail spirituous liquors, except as is hereinafter excepted. And for such license the sum of Five pounds shall be annually paid into the treasury in the same manner as the sums arising from the licenses granted under Ordinance No. 1 of 1849: Provided that parties applying for a license to sell wines, cordials, liqueurs, or fermented liquors in manner hereinbefore mentioned shall not be required to comply with the ninth, fourteenth, fifteenth, sixteenth, and seventeenth clauses of the said Ordinance.

IV. That no persons (except keepers of hotels) taking a license for selling wines, cordials, liqueurs, or fermented liquors, shall sell Not to be consumed on

Licenses may be obtained to sell liquors other than spirituous liquors.

No. 5.
Ord. No. 15,
1855.

premises where
sold.

or dispose of any such liquors before sunrise or after sunset; nor shall any such persons, except as hereinbefore excepted, allow any such liquors sold by him to be drunk in the store, shop, or place in which such liquors are sold; nor in the yard attached to such store, shop, or place, nor elsewhere upon the premises; but shall in all cases require such liquors to be taken away by the purchaser or purchasers, under a penalty not exceeding Five pounds, nor less than One pound, for every such offence.

V. That no person purchasing wines, cordials, liqueurs, or fermented liquors, at any store or place, shall drink the same, or any part thereof, in the said store or place, or elsewhere upon the premises, under a penalty not exceeding Five pounds, nor less than One pound, for every such offence.

Parts of Ordinance No. 1 of 1849 repealed.

VI. That the nineteenth clause of Ordinance No. 1 of 1849, so far as it prohibits the selling of wine, ale, and porter, or malt liquors, in quantities less than one dozen bottles, shall be henceforth repealed; also the thirtieth and thirty-first clauses of the said Ordinance.

VII. That the several provisions of the said Ordinance, with reference to the definition of an "unlicensed retailer" (except so far as such definition is inconsistent with anything herein contained), also with reference to penalties on first, second, and third offences; the recovery and appropriation of penalties and fines; the limitation of prosecution, and the allowance of appeal, shall be held to apply to every offence committed under this Ordinance.

VIII. That all sums paid into the treasury for licenses to retail spirituous and other liquors, shall be appropriated towards the support of Her Majesty's Government within these islands.

No. 6.
Ord. No. 13,
1855.

No. 6.—ORDINANCE No. 13 of 1860.

An Ordinance to amend Ordinance No. 15 of 1855 for regulating the Sale of Spirituous Liquors, Wines, and other Liquors within the Turks and Caicos Islands. (Passed 17th April, 1860. Confirmed 21st Feb., 1861.)

PREAMBLE.

WHEREAS by Ordinance No. 15 of 1855 it was enacted that no licensed retailer of spirituous liquors shall allow any spirituous or other liquors, sold by him, to be drunk in the store, shop or place in which the same are sold by retail, nor in the yard attached to such store, shop or place, or elsewhere upon the premises, but shall in all cases require such spirits to be taken away by the purchasers; and whereas the restriction aforesaid has been found productive of great inconvenience without corresponding benefit to the public; May it, &c., That the first and second sections of Ordinance No. 15 of 1855 shall be and the same are hereby repealed.

Quarterly meetings of Justices may be adjourned.

II. And whereas by the third section of the said Ordinance certain days are appointed for the quarterly meetings of the Justices to grant licenses, and for other purposes, and it is expedient that if from any cause a sufficient number of Justices do not attend to transact business, the chairman should have the power of adjourning such quarterly meeting to a future day, Be it further ordained that if at

any time a sufficient number of Justices do not attend to constitute a legal meeting, the chairman may adjourn the same to a future day, giving notice of the same to the Justices as is required by the said Ordinance.

No. 6.
Ord. No. 13,
1855.

No. 7.—ORDINANCE No. 23 of 1860.

An Ordinance to encourage the importation of Ice into these Islands.
(Passed 13th September, 1860. Confirmed 21st February, 1861.)

No. 7.
Ord. No. 23,
1860.

WHEREAS in the tropical climate of the Turks and Caicos Islands it is desirable that ice should at all times be readily attainable by the inhabitants,—and whereas from the perishable nature of ice and the consequent risk of loss incurred by its importation, no person will undertake to keep a constant supply of ice without some special advantages are attached to the business of an ice establishment; May it, &c.

PREAMBLE.

I. That any one person who shall undertake to import from time to time ice in sufficient quantities to supply the inhabitants of these islands, and keep such a supply constantly on hand as will meet the demand of the same, such person shall be entitled to the following privileges and advantages, to wit: He may establish one or more refreshment room or rooms upon one and the same premises, to which persons may resort and be furnished with refreshments, including spirits of all kinds, wines, and fermented and other liquors of every description.

Privileges attached to keeping an ice establishment.

II. He may sell such wines, spirits, and other liquors by the bottle, or in lesser quantities, provided that the privileges hereby granted shall not be taken to apply to more than one such establishment at Grand Turk, one at Salt Cay, and at such other places as the President and Council shall think proper.

III. That any person desirous of availing himself of the privileges herein granted must observe the following conditions—

1st. He must import ice twice in every six months during the year, in quantities not less than sixty tons at one time, and the same shall be sold to the public at a rate not exceeding one penny halfpenny per pound.

Once in each six months at least sixty tons to be imported.

2nd. He must supply the poor and the prisoners in gaol with ice free of charge upon a certificate from a member of the medical profession that the same is necessary for medical purposes.

3rd. He shall not sell any refreshment on Sunday or before sunrise, or after nine o'clock P.M. on any other day, under a penalty not exceeding Two pounds.

Other conditions.

4th. He shall enter into bond with two sufficient sureties in the sum of Fifty pounds each, and such bond shall be taken at the office of the Colonial Secretary in the name of Her Majesty, her heirs, and successors, and shall be conditioned for the maintenance of good order in such refreshment room or rooms, and for the due observance of all the provisions of this Ordinance, and upon entering into such bond a license according to the form in the Schedule hereto annexed to keep such refreshment room shall be granted him, renewable annually, for which he shall pay into the public treasury the sum of Twenty pounds.

To give bond.

To take out license.

5th. He shall have a sign with his name painted thereon, with

No. 7.
Ord. No. 23,
1860.

A bonus of
£25 every
six months
given.

Offences, how
tried.

Penalties over
£20, how re-
covered.

Limitation
fourteen days.

Appeal.

Duration five
years.

the words "refreshment room" in legible characters, and such name and words shall be displayed in a conspicuous place in front of the refreshment room or rooms.

6th. He shall not suffer any person or persons to gamble or get drunk in or about any such refreshment room under a penalty not exceeding Five pounds.

IV. That upon producing a certificate from the Receiver-General that the quantity of ice required by this Ordinance has been imported by the party so licensed, such party shall be entitled to receive once in every six months a bonus of Twenty-five pounds by warrant in the usual manner.

V. That all offences against this Ordinance may be heard and determined before two Justices of the Peace, of whom one shall be a Police or assistant Police Magistrate, and all fines and penalties not exceeding Twenty pounds may be made and levied on the goods and chattels of the offender, by warrant under the hand of the Justices before whom such offender was convicted.

VI. That any penalty or fine to a greater amount than Twenty pounds may be sued for, and recovered in any Court of competent jurisdiction. And all such penalties and fines when recovered shall be reserved for the use of Her Majesty and her successors, and shall be paid into the public treasury of these islands in aid of the support of the government thereof.

VII. That every complaint or information for any offence against this Ordinance shall be made, and the party charged therewith summoned, within fourteen days after such offence committed, and not afterwards.

VIII. That any person convicted before two Justices of any offence committed against this Ordinance, may appeal from such conviction to the Supreme Court of these islands in accordance with the provisions contained in Ordinance No. 16 of 1849.

IX. That from the period when this Ordinance shall take effect in these islands, the same shall continue in force for the space of Five years.

FOURTH DIVISION.—GAMBLING.

No. 8.
Ord. No. 17,
1860.

No. 8.—ORDINANCE No. 17 of 1860.

An Ordinance to prevent Gambling by Games of Chance or other Devices. (Passed 4th May, 1860. Confirmed 17th Oct., 1860.)

PREAMBLE.

Penalties for
gambling.

WHEREAS the practice of gambling by means of throwing dice, and by other devices, has increased within these islands, and it is expedient that the same should be prevented; May it, &c.

That it shall not be lawful for any person or persons to offer any property or stake whatever to be played for, whether by throwing dice or by any other device; and any person offering any property or stake for such a purpose shall forfeit a sum not exceeding one pound; and any person who shall play for such property or stake by any of the means aforesaid shall forfeit and pay a sum not exceeding Ten shillings.

II. That it shall be the duty of every constable, whether paid or unpaid, to report to the Police Magistrate of the island or district any offence against this Ordinance which may come to his knowledge, and any person may complain of any such offence: and every person upon whose information or complaint any conviction under this Ordinance may be made, shall be entitled to receive one half of the fine or penalty imposed; and the other half shall be reserved for the use of Her Majesty, her heirs, and successors, and be paid into the public treasury, and applied towards the support of the Government of these islands.

No. 8.
Ord. No. 17,
1860.

Constables to
report all
gaming.

III. That all penalties and forfeitures incurred under this Ordinance shall be recovered in a summary manner before the Police or assistant Police Magistrate, and may be made and levied of the goods and chattels of the offender; and in default of goods and chattels, it shall be lawful for any such offender to be imprisoned for any term not exceeding one month.

Penalties to be
recovered in
a summary
manner.

IV. That nothing herein contained shall be taken to apply to persons who may play at any game not depending entirely upon chance for such moderate stake in money as may be in accordance with the means of the parties playing.

Where Ordi-
nance does not
apply.

FIFTH DIVISION.—CATTLE ACT AND AMENDMENTS.

No. 9.—4 Vic. ch. 11. *An Act for consolidating and amending the Laws relative to Damages done by Cattle running loose, and other Subjects connected therewith.* (25th February, 1841.)

No. 9.
Act 4 Vic.
c. 11.

I. That from and after the commencement of this Act it shall be lawful for any two Justices of the Peace, (of which, at Turks Islands, the Police Magistrate shall be one,) to authorize the erection or use of one or more public pounds in each town, district, or settlement within these islands, in which pounds all cattle liable to be impounded shall and may lawfully be kept and detained.

Provision
made for erec-
tion of Public
Pounds.

II. That when any such pound shall be erected on private land at the expense of the owner or owners, occupier or occupiers of such land, it shall be lawful for such owner or owners, occupier or occupiers, or any person by him, her, or them appointed, to demand and receive the several poundage fees hereinafter enumerated: Provided always, That it shall not be lawful to place or detain cattle in any place erected as a pound on private land, as aforesaid, until the owner or owners, occupier or occupiers of such land shall have obtained a certificate from two Justices of the Peace, to the effect that they have inspected the said place, and consider it a fit and proper place for impounding cattle, which certificate shall continue in force for twelve months, and no longer; after the expiration of which period a new certificate must be granted before such place can be continued as a public pound.

Fees of Pound-
age regulated.

III. That it shall be lawful for any two Justices of the Peace (of which, at Turks' Islands, the Police Magistrate shall be one,) to appoint a keeper to each pound (other than those erected on private land at the expense of the owner or occupier thereof), and the keepers so appointed shall be entitled to have and receive the several fees of poundage hereinafter enumerated.

Appointment
of Pound
keepers.

No. 9.
Act 4 Vic.
c. 11.

When cattle
found on pri-
vate land, may
be impounded.

IV. That from and after the passing of this Act if any cattle shall stray from the lands of the owner or owners thereof, or be suffered to run at large by such owner or owners, and shall enter the land of any other person or persons, it shall be lawful for the party upon whose land such cattle shall enter to seize the same and convey, or cause the same to be conveyed, within twenty-four hours after such seizure, to the nearest public pound: Provided such pound shall be within five miles of the land upon which such cattle have trespassed; but in case such land shall be at a greater distance than five miles from such nearest pound, then, and in every such case, it shall be lawful for the party aggrieved to detain such cattle on his or her land until satisfaction shall be made in manner hereinafter mentioned: Provided, however, That in every such case, as last aforesaid, the person so detaining such cattle shall, within four-and-twenty hours, give notice of such detention to a Justice of the Peace, and require such Justice to investigate and adjudicate on the case in manner hereinafter mentioned.

Damages done
by cattle, how
to be awarded.

V. That whenever any cattle shall enter on any land under cultivation, and shall do damage therein, the owner or occupier of such land may, if such damage shall not exceed the sum of three pounds, recover the same from the owner or owners of such cattle before any one Justice of the Peace, who is hereby authorized and empowered to hear and adjudicate on all such cases, to give judgment thereon, and award execution, with cost, in the same manner as in cases of petty debts; and in any such inquiry it shall not be necessary, in order to entitle the party aggrieved to recover such damage, that the cattle committing the same should have been seized and impounded.

Forfeiture
when cattle
trespass, and
do no particu-
lar damage.

VI. That whenever any cattle shall enter on any enclosed land, whether under cultivation or not, without committing any particular damage, for which the owner or occupier of such land shall claim compensation, it shall, nevertheless, be lawful for such owner or occupier to recover, in manner hereinafter mentioned, stipulated damages from the owner or owners of such cattle at and after the rate of two shillings for each head of cattle so trespassing; and if such cattle shall remain on the land of the party complaining more than twenty-four hours, then a further sum of one shilling per diem shall be payable by the owner or owners thereof to the owner or occupier of such land for each and every day during which such cattle shall remain on such land.

Unlawful with-
in five miles of
any Pound to
keep stray
cattle penned
up, &c.

VII. That it shall not be lawful for the owner or occupier of any land lying within five miles from any public pound to keep penned or tied up on such land any cattle seized as strays beyond four-and-twenty hours, under the penalty of forfeiting to the owner of such cattle one shilling for every hour which each head of such cattle shall be so kept beyond the said twenty-four hours; nor shall it be lawful for the owner or occupier of any land lying beyond the distance of five miles from any such pound, as aforesaid, to keep penned or tied up any cattle seized as strays for a longer period than twenty-four hours without giving the notice hereinbefore required to be given to a Justice of the Peace, under the penalty of forfeiting to the owner of such cattle one shilling for each and every hour which each head of such cattle shall be so kept, as last aforesaid, beyond the said twenty-four hours: Provided always, That the periods in this clause mentioned, during which it shall be

lawful to keep cattle seized as strays penned or tied up, shall be computed clear and distinct from any Sunday which may intervene between the seizure of such strays and the giving the notices by this Act required to be given.

No. 9.
Act 4 Vic.
c. 11.

VIII. That it shall be the duty of the keeper of every pound established under this Act, within twenty-four hours after any cattle shall have been placed in any such pound, to give notice thereof to a Justice of the Peace, under a penalty of Ten shillings for each and every neglect.

Duty of Pound
keepers.

IX. That upon any such notice as aforesaid being given to a Justice of the Peace as aforesaid, such Justice shall, within forty-eight hours thereafter proceed to adjudicate on the case; and if the owner of any cattle impounded shall not be known, it shall be lawful for such Justice to order such cattle to be sold at public sale, giving notice in the most public manner for at least seven days of such intended sale, and the proceeds of such sale shall be applied in liquidating all poundage fees and expenses, and in satisfying the damages sustained by any party aggrieved; and the overplus, if any, shall be then paid into the public treasury of these islands, to be applied (if not demanded, and proof of the property made within twelve months) towards the support of Her Majesty's Government within these islands.

When Justices
shall proceed
to adjudicate.

X. Repealed by 10 Vic. c. 13.

XI. This and the following clauses, as far as the XVIIth inclusive, are repealed by Ord. No. 16, 1860.

XVIII. That from and after the passing of this Act it shall not be lawful for any person or persons to suffer or permit any stallion to be at large in any public road, highway, or street, or on any public parade or common within these islands, under a penalty for every such offence, on due conviction thereof, of any sum not exceeding two pounds; and that all fines and penalties shall, except when otherwise directed, be sued for and recovered before any one of Her Majesty's Justices of the Peace for these islands in the same and the like manner as petty debts can be now sued for and recovered, and shall, except when otherwise directed, be paid, one half to the use of Her Majesty, her heirs, and successors, and the other half to the informer or person suing for the same.

Fines, how
recovered and
applied.

XIX. Any person or persons sued for anything done in pursuance of this Act may plead the general issue, and give this Act and the special matter in evidence, and on verdict for defendant, nonsuit of plaintiff, or discontinuance of action, shall be entitled to double costs.

Persons sued
may plead the
general issue.

XX. That the following fees of poundage shall and may be lawfully demanded, and received by the several persons entitled to fees of poundage under this Act, viz.: For every horse, mare, gelding, mule, ass, bull, cow, steer, heifer, calf, sheep, lamb, goat, kid, hog, or pig, impounded, ninepence: and, in addition, for every day they may remain in such pound, threepence: and, for supplying them with food, sixpence halfpenny.

Poundage fees.

XXI. That the word "cattle," in this Act, shall be held to comprise each and every of the description of animals enumerated in the next preceding Section, and the word "land" shall be held to comprise not only lands used for agricultural purposes, but town lots and allotments, being parts or parcels of salt ponds.

Interpretation
of the words
"Cattle" and
"Land."

XXII. That in all cases of summary conviction or adjudication

No. 9.
Act 4 Vic.
c. 11.

Persons may
appeal to the
Supreme Court.

under this Act, any person who shall think himself or herself aggrieved by any such conviction or adjudication, may appeal to the Supreme Court at Turks Islands: Provided that such person shall give to the complainant a notice in writing, or a verbal notice in the presence of a magistrate, of such appeal, and the cause and matter thereof within ten days after such conviction or adjudication, and shall also either remain in custody until the meeting of the Court (if such Court shall not then be sitting), or enter into a recognizance with two sufficient sureties before a Justice of the Peace, conditioned personally to appear at the said Court to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by such Court awarded: and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into shall abstain from carrying his judgment into execution; and the said Court aforesaid shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court shall seem meet, and shall, if necessary, issue process for enforcing such judgment.

XXIII. Suspends 3 Geo. 2, ch. 5; 15 Geo. 2, ch. 1; 56 Geo. 3, ch. 10; 9th Sec. 4 Wm. 4, ch. 4; 6 Sec. 6 Wm. 4, ch. 13; and 22, 23, and 24 Sec. 2 Vic. ch. 2.

XXIV. Act to come into operation on the thirty-first of March, 1841, and continue in force for five years, and from thence to the end of the then next Session of Assembly.*

No. 10.
Act 11 Vic.
c. 8.

PREAMBLE.

Penalty on
owners of pigs
allowing them
to run at large.

Hogs im-
pounded and
not claimed,
how dealt with.

No. 10.—11 Vic. ch. 8. *An Act to amend 4 Vic. ch. 11.* (March 22nd, 1848.)

WHEREAS great inconvenience is experienced in some parts of this colony, from hogs, pigs, and goats being allowed to run at large; May it, &c., That it shall not be lawful for the owner of any hog, pig, or goat, to permit the same to be at large in any public road, street, or highway, or upon any unenclosed ground, within the limits of any town within the islands, to which this Act shall extend as hereinafter mentioned, under a penalty of five shillings for each offence, and every hog, pig, or goat found at large, shall be forthwith taken up and impounded, and there kept until the aforesaid penalty, and all proper costs and charges, shall be paid, or until such hog, pig, or goat shall be sold in manner hereinafter described.

II. That if any hog, pig, or goat impounded under the authority of this Act, shall not be claimed within three days after the same shall have been so impounded, or being claimed, the penalty aforesaid, with the costs and charges, shall not be paid within such time by the person or persons claiming such hog, pig, or goat, it shall be lawful for any magistrate of the district to order the sale of such hog, pig, or goat, and the proceeds of such sale shall, after deducting the expenses of sale and other incidental expenses, be paid into the public treasury, and such payment shall, whether exceeding or falling short of the penalty by this Act imposed, be in lieu and stead thereof.

* Continued for ten years from 26th February, 1846, by Act 10 Vic. c. 13; and further by Ord. 10, 1851, and Ord. 2, 1857, for five years from 6th November, 1857.

III. That this Act shall extend to all towns now existing, or hereafter to be laid out in any part of this colony, New Providence and Harbour Island excepted, and that for the purposes of this Act, it shall be lawful for the Magistrates of the district, at any meeting convened for such purpose, to define the limits of such towns respectively, and it shall be the duty of such Magistrates, immediately after they shall have so defined the limits of any town, to give public notice thereof, by affixing written notices at at least three different places within the limits defined by them; and this Act shall come into force in every such town upon the seventh day after the limits of such town shall have been defined, and notice thereof given in manner aforesaid.

No. 10.
Act 11 Vic.
c. 8.

Act to extend
to all towns
except at New
Providence
and Harbour
Island.

IV. Act to continue in force during the continuance of the
4 Vic. ch. 11.*

Duration.

V. That for the purposes of this Act, the person having the charge or custody of any hog, pig, or goat, shall be deemed the owner thereof.

Who deemed
owner of pigs.

VI. Repealed a part of 2 Vic. ch. 2, which Act has since expired.

No. 11.—ORDINANCE No. 16 of 1860.

No. 11.
Ord. No. 16,
1860.

An Ordinance to amend the Laws of the Bahamas extended to these islands, relative to Damages done by Cattle running loose, and other subjects connected therewith. (Passed 4th May, 1860. Confirmed 17th October, 1860.)

WHEREAS the Acts of the Bahamas, 4 Vic. ch. 11, and 11 Vic. ch. 8, extended to these islands, and referring to damages done by cattle running at large, require amendment; May it, &c., That no person claiming compensation for damage or trespass done by cattle running at large, shall be entitled to such compensation unless such person can show to the satisfaction of the Justice, that the land upon which the trespass is alleged to have been committed is enclosed with a sufficient wall or fence, at least five feet high; and the Justice before whom any such complaint shall be preferred shall not hear the same until the party complaining shall have applied to the owner of the cattle so trespassing (if known) for redress without success.

PREAMBLE.

If damage
done by cattle,
owner of land
cannot recover
unless land is
enclosed.

II. That if any hog or pig be found in the public wells at Grand Turk, Salt Cay, or Cockburn Harbour, the owner thereof shall be liable to a penalty of five shillings for each offence; and any person may seize and impound any such hog or pig, and for his trouble shall be entitled to half the above-named penalty, to be paid him whether such hog or pig be claimed by the owner or not: Provided that such sum be realized by the sale of such hog or pig, over and above the legal expenses incurred; and if otherwise, then he shall be entitled to the surplus after such expenses are paid; and all other proceedings in such cases shall be in accordance with the provisions of the said Act 11 Vic. ch. 8.

Penalty for
hogs, &c.,
going at large,
getting into the
public wells.

III. That the following clauses of the Act 4 Vic. ch. 11, be and

* See note in preceding page.

- No. 11. they are hereby repealed, to wit, Sections 11, 12, 13, 14, 15, 16,
 Ord. No. 16, and 17.
 1860. IV. That this Ordinance shall continue in force so long as the
 Act to which it is an amendment shall remain in force.

SIXTH DIVISION.—CRUELTY TO ANIMALS.

No. 12.
 Act 4 Vic.
 c. 30,
 extending
 Act 3 G. 4,
 c. 71.

No. 12.—4 Vic. ch. 30. *This Act declares several Acts of Parliament to be in force in these Islands; and amongst them the following Act of 3 Geo. 4, ch. 71, entitled, "An Act to prevent the cruel and improper treatment of Cattle."* (25th Feb. 1841.)

PREAMBLE.

WHEREAS it is expedient to prevent the cruel and improper treatment of horses, mares, geldings, mules, asses, cows, heifers, steers, oxen, sheep, and other cattle; May it, &c., That if any person or persons shall wantonly and cruelly beat, abuse, or ill-treat any horse, mare, gelding, mule, ass, ox, cow, heifer, steer, sheep, or other cattle, and complaint on oath thereof be made to any Justice of the Peace or other Magistrate, within whose jurisdiction such offence shall be committed, it shall be lawful for such Justice of the Peace, or other Magistrate, to issue his summons or warrant, at his discretion, to bring the party or parties so complained of before him, or any other Justice of the Peace, or other Magistrate of the county, city, or place within which such Justice of the Peace or other Magistrate has jurisdiction, who shall examine, upon oath, any witness or witnesses, who shall appear, or be produced to give information touching such offence (which oath the said Justice of the Peace, or other Magistrate, is hereby authorized and required to administer); and if the party or parties accused shall be convicted of any such offence, either by his, her, or their own confession, or upon such information as aforesaid, he, she, or they, so convicted, shall forfeit and pay any sum not exceeding Five pounds nor less than Ten shillings to His Majesty, his heirs, and successors; and if the person or persons so convicted shall refuse, or not be able forthwith to pay the sum forfeited, every such offender shall, by warrant under the hand and seal of some Justice or Justices of the Peace, or other Magistrate within whose jurisdiction the person offending shall be convicted, be committed to the house of correction or some other prison within the jurisdiction within which the offence shall have been committed, there to be kept, without bail or mainprize, for any time not exceeding three months.

II. That no person shall suffer any punishment, for any offence committed against this Act, unless the prosecution for the same be commenced within ten days after the offence shall be committed, and that when any person shall suffer imprisonment pursuant to this Act, for any offence contrary thereto, in default of payment of any penalty hereby imposed, such person shall not be liable afterwards to any such penalty.

III. That no order or proceedings to be made or had, by or before any Justice of the Peace, or other Magistrate, by virtue of

Proceedings
 not to be
 quashed for
 want of form.

this Act, shall be quashed or vacated for want of form; and that the order of such Justice or other Magistrate shall be final, and that no proceedings of any such Justice, or other Magistrate, in pursuance of this Act, shall be removable by *certiorari* or otherwise.

IV. And for the more easy and speedy conviction of offenders under this Act; Be it, &c., That all and every the Justice and Justices of the Peace, or other Magistrate or Magistrates before whom any person or persons shall be convicted of any offence against this Act, shall, and may cause the conviction to be drawn up in the following form of words, or in any other form of words, to the same effect, as the case shall happen:

Be it remembered, that on the _____ day of _____ in the year of Our Lord _____ A. B. is convicted before me, one of His Majesty's Justices of the Peace for _____ or Mayor, or other Magistrates of _____ (as the case may be), either by his own confession, or on the oath of one or more credible witness or witnesses (as the case may be) by virtue of an Act, made in the third year of the reign of His Majesty, King George the Fourth, entitled, "An Act to prevent the cruel and improper treatment of cattle," (specifying the offence, and time and place where the same was committed, as the case may be). Given under my hand and seal, the day and year above written.

V. That if, on the hearing any such complaint, as is hereinbefore mentioned, the Justice of the Peace, or other Magistrate, who shall hear the same, shall be of opinion that such complaint was frivolous, or vexatious, then, and in every such case, it shall be lawful for such Justice of the Peace, or other Magistrate, to order, adjudge, and direct the person or persons making such complaint, to pay to the party complained of, any sum of money not exceeding the sum of Twenty shillings, as compensation for the trouble and expense to which such party may have been put to by such complaint, such order or adjudgment to be final between the said parties, and the sum thereby ordered or adjudged to be paid and levied, in manner as is hereinbefore provided for enforcing payment of the sums of money to be forfeited by the persons convicted of the offence hereinbefore mentioned.

VI. That if any action or suit shall be brought or commenced against any person or persons, for anything done, in pursuance of this Act, it shall be brought or commenced within six calendar months next after every such cause of action shall have accrued, and not afterwards, and shall be brought, laid, and tried, in the county, city, or place in which such offence shall have been committed, and not elsewhere; and the defendant or defendants, in such action or suit, may plead the general issue, and give this Act and the special matter in evidence, at any trial or trials to be had thereon; and that the same was done in pursuance, and by authority of this Act; and if the same shall appear to have been so done, or if any such action or suit shall not be commenced within the time before limited, or shall be laid or brought in any other country, city, or place than where the offence shall have been committed, then, and in any such case, the jury or juries shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit, or shall discontinue his action or actions; or if judgment shall be given for the defendant or defendants therein,

No. 12.
Act 4 Vic.
c. 80,
extending
Act 3 G. 4,
c. 71.

Form of conviction.

Remedy against frivolous and vexatious complaints.

When actions are to be commenced.

No. 12.
Act 4 Vic.
c. 30,
extending
Act 3 G. 4,
c. 71.

then, and in any of the cases aforesaid, such defendant or defendants shall have treble costs, and shall have such remedy for recovering the same as any defendant or defendants hath, or may have, for his, her, or their costs, in any other cases by law.

No. 13.
Act 7 Vic.
c. 11.

No. 13.—7 Vic. ch. 11. *An Act to amend the Laws for preventing the Cruel and Improper Treatment of Cattle and other Animals.*
(9th January, 1844.)

PREAMBLE.

Punishment of
persons who
shall wantonly
and cruelly
beat, ill-treat,
abuse, or tor-
ture cattle,
dog, animal,
fowl, or bird.

WHEREAS in and by an Act of the General Assembly of these islands passed in the fourth year of your Majesty's reign, entitled "An Act to declare in force within these Islands certain statutes of the Imperial Parliament of Great Britain and Ireland, relating to certain offences therein particularly mentioned." An Act of the Imperial Parliament passed in the third year of the reign of King George the Fourth, entitled "An Act to prevent the cruel and improper treatment of cattle," was amongst others declared to be in force within these islands, but the same has been found not to be sufficiently extensive in its application; For remedy whereof, May it, &c., That if any person shall, from and after the passing of this Act wantonly and cruelly beat, ill-treat, abuse, or torture any cattle, other than the cattle designated in the said recited Act, or any dog or other domestic animal, or any domestic fowl or bird, every such offender being convicted thereof before any one of Her Majesty's Justices of the Peace for the colony, or for any island or district of the same, shall for every such offence forfeit and pay to Her Majesty, her heirs, and successors, a sum of money not exceeding Five pounds nor less than Ten shillings; and if the person or persons so convicted shall not forthwith pay the sum forfeited, every such offender shall by warrant under the hand and seal of the convicting Justice, or some other Justice or Justices of the Peace, be committed to some lawful prison within these islands, there to be kept without bail, or mainprize, for any time not exceeding one month.

Time limited
for the prosecu-
tion of offences
under this Act.

II. That no person shall suffer any punishment for any offence committed against this Act, unless the prosecution for the same be commenced within ten days after the offence shall be committed, and that when any person shall suffer imprisonment pursuant to this Act for any offence contrary thereto, in default of payment of any penalty hereby imposed, such person shall not be liable afterwards to pay any such penalty.

Proceedings
before Justices
not to be
quashed for
want of form.

III. That no order or proceedings to be made, or had by or before any Justice of the Peace by virtue of this Act shall be quashed, or vacated for want of form, and that the order of such Justice shall be final, and that no proceedings of any such Justice in pursuance of this act shall be removable by *certiorari* or otherwise.

Form of con-
viction.

IV. And for the more easy and speedy conviction of offenders under this Act, be it enacted, that all and every the Justice or Justices of the Peace before whom any person or persons shall be convicted of any offence against this Act, shall and may cause the conviction to be drawn up in the following form of words, or in

any other form of words to the same effect, as the case shall happen (*Videlicet*).

Be it remembered that on the day of in the year of our Lord A. B. is convicted before me (one) of Her Majesty's Justices of the Peace for the Turks and Caicos Islands, or for the district of within the said islands (*as the case may be*) either by his own confession, or on the oath of one or more credible witnesses, (*as the case may be*) by virtue of an Act made in the seventh year of the reign of Her Majesty Queen Victoria, entitled "An Act to amend the laws for preventing the cruel and improper treatment of cattle" (*specifying the offence, and time and place when the same was committed, as the case may be*). Given under my hand and seal the day and year above written.

V. That if on hearing any such complaint as is hereinbefore mentioned, the Justice of the Peace who shall hear the same shall be of opinion that such complaint was frivolous and vexatious, then, and in every such case it shall be lawful for such Justice of the Peace to order, adjudge, and direct the person or persons making such complaint to pay to the party complained of any sum of money not exceeding the sum of Twenty shillings, as compensation for the trouble and expense to which such party may have been put to by such complaint; such order or adjudgment to be final between the said parties; and the sum thereby ordered or adjudged to be paid, to be levied in manner as is hereinbefore provided for enforcing payment of the sums of money to be forfeited by the persons convicted of the offence hereinbefore mentioned.

VI. That if any action or suit shall be brought or commenced against any person or persons for anything done in pursuance of this Act, it shall be brought or commenced within six calendar months next after every such cause of action shall have occurred, and not afterwards, and the defendant and defendants in such action or suits may plead the general issue, and give this Act and the special matter in evidence at any trial or trials to be had thereon; and that the same was done in pursuance and by authority of this Act, and if the same shall appear to be so done, or if any such action or suit shall not be commenced within the time before limited, then, and in every such case the jury or juries shall find for the defendant or defendants, or if the plaintiff or plaintiffs shall become nonsuit, or shall discontinue his action or actions, or if judgment shall be given for the defendant or defendants therein, then, and in any of the cases aforesaid, such defendant or defendants shall have treble costs, and shall have such remedy for recovering the same as any defendant or defendants hath, or may have for his, her, or their costs, in any other cases by law.

No. 13.
Act 7 Vic.
c. 11.

Protection of
persons acting
under the au-
thority of this
Act.

SEVENTH DIVISION.—HAWKING GOODS.

No. 14.—9 Vic. ch. 14. *An Act to repeal an Act for regulating the Hawking of Goods, Wares, and Merchandise, and to make other provision in relation thereto.* (4th March, 1846.)

No. 14.
Act 9 Vic.
c. 14.

I. Repeals 7 Wm. 4, c. 10.

II. That it shall not be lawful for any person to hawk or retail any goods, wares, merchandise, or other articles (except as herein-

Not lawful to
hawk or retail

No. 14.
Act 9 Vic.
c. 14.

goods without
a license.

Licenses to be
granted by
three Justices
of the Peace.
Licenses not
to be granted
to persons con-
victed of lar-
ceny, &c.

Annual tax of
£2 10s. for a
license to hawk
goods.

Name of per-
son and num-
ber of license
to be conspic-
uously marked on
every tray,
basket, &c.

Constable to
seize any tray
or basket not
marked and
numbered.
Penalty for
neglect of duty.

Persons carry-
ing an unnum-
bered tray,
basket, &c., on
conviction, to
pay a fine.

after excepted,) about the streets, lanes, and roads of the island of the Turks Islands, or of any other island to which the provisions of this Act may be extended, by order of the Governor or Officer administering the Government in Council, without having first obtained a license for so doing in manner hereinafter mentioned, under a penalty for every offence of a sum not exceeding one pound.*

III. That licenses shall be granted at Grand Turk by three Justices of the Peace, whereof the Police Magistrate shall be one, and in any other island by two Justices of the Peace.

IV. That it shall not be lawful to grant any such license to any person who has been convicted of larceny, embezzlement, or of receiving stolen goods, nor to any person under the age of twenty-one years; and if any person having a license so granted to him or her shall, during the period of such license being in force, be convicted of larceny, embezzlement, or receiving stolen goods, the license held by such person shall be forthwith cancelled.

V. That every person obtaining a license under this Act shall pay therefor to the Magistrates granting the same the sum of two pounds ten shillings, and shall enter into a recognizance with one or more surety or sureties in the sum of ten pounds, with a condition under written to the effect following:—The condition of this recognizance is such, that if the above-named *A. B.* shall, during the period which he or she shall hawk or retail goods under a license this day granted to him or her, be of good behaviour, and not embezzle or wilfully destroy any articles intrusted to him or her to hawk or retail, then this obligation to be void, otherwise to remain in full force.

VI. That every person hawking goods under the authority of this Act shall have his or her name, together with the number of his or her license, marked in a conspicuous manner on every tray, basket, or other article used by him or her for the carriage of his or her goods, under a penalty not exceeding ten shillings for every neglect.

VII. That it shall be the duty of every constable, under a penalty of one pound for every neglect, to seize every tray, basket, or other article used by any person for hawking or retailing goods in and about the streets or lanes of any island to which the provisions of this Act shall extend, and which shall not be marked and numbered as required by this Act; and every such tray, basket, or other article, with the contents thereof, shall be detained and dealt with in manner hereinafter mentioned.

VIII. That every person carrying any such unnumbered tray, basket, or other article as aforesaid, shall be liable, on conviction, to pay a fine not exceeding ten shillings, or, in the discretion of the convicting Justices, to be imprisoned in any lawful prison for any term not exceeding seven days; and it shall be lawful for any constable, without warrant, upon his own view, to arrest any person so offending, and to carry him or her before any one of Her Majesty's Justices of the Peace for the island, who may either liberate such party on bail, or commit him to prison until the final decision of the case as hereinbefore provided for.

* No Order in Council has as yet been issued under the authority of this clause. April, 1850.

IX. That whenever any goods are seized and detained under the preceding provision of this Act, if upon the final adjudication of the case it shall appear and be so adjudged that the party from whose possession such goods were taken was not licensed under the authority of this Act to hawk or retail goods, then all such goods so seized shall, in the discretion of the convicting Justices, be adjudged forfeited, or an additional penalty not exceeding five pounds be imposed, and so much of the goods sold as shall be sufficient to satisfy the penalties and costs, if the same are not otherwise paid; but if it shall appear and be so adjudged that the party held a license, but had neglected to mark and number her tray, basket, or other article used for the carriage of his or her goods, in accordance with the preceding provisions of this Act, then, and in such last-mentioned case, the goods shall only be detained as a security for the payment of the penalty and costs, and shall, on payment thereof within any period limited by the convicting Justices, be re-delivered to the party from whose possession they were taken; or if the penalty is not paid within such limited period, the same shall be sold by order of the convicting Justices, and the proceeds applied to the payment of such penalty and costs, and the overplus, if any, returned to the party entitled thereto: Provided nevertheless that should any person holding a license, as aforesaid, be ill, or otherwise incapacitated from hawking or retailing goods, as aforesaid, it shall and may be lawful for the said Magistrates to grant permission to such person to employ some proper person, to be approved of by the said Magistrates, to hawk or retail such goods in their stead, for and during such period as to the said Magistrates shall seem expedient.

X. That it shall be the duty of the Magistrates granting any license under the authority of this Act forthwith to pay over to the Receiver-General and Treasurer, or Receiver of Colonial Duties, as the case may be, the sum of money by them received for such license, and shall at the same time furnish such Receiver-General and Treasurer, or Receiver of Colonial Duties, as the case may be, with the date of such license, and the name of the person in whose favour it was granted; and the Receiver-General and Treasurer, and Receiver of Colonial Duties, shall each keep a book, in which entries shall be made of all licenses so granted.

XI. That all amounts paid into the public Treasury on account of such licenses shall be appropriated in aid of the general revenue of the colony.

XII. That all fines, penalties, and forfeitures imposed by or recovered under the provisions of this Act shall be recoverable, with costs, before any two of Her Majesty's Justices of the Peace for these islands, and shall, when not fully liquidated under the previous provisions of this Act, be leviable on the goods and chattels of the defendant or defendants: and all fines, penalties, and forfeitures shall be, one half to the use of Her Majesty, her heirs, and successors, in aid of the support of the Government of the colony, and the other half to the person prosecuting for the same.

XIII. That nothing herein contained shall be construed to prohibit the sale, without license, of milk, poultry, eggs, vegetables, grass, corn-blades, or the like: fruit, roots, firewood, fish, game, bread, cakes, corn-grist, rice, shells, sugar, coffee, mats, baskets,

No. 14.
Act 9 Vic.
c. 14.

Goods seized
and detained,
how to be dis-
posed of.

Proviso.

The Magis-
trates to pay
over to the Re-
ceiver-General
the sum by
them received
for granting a
License.

Sums paid into
the Public
Treasury to be
appropriated
in aid of the
Colony.
Appropriation
of fines.

Certain articles
may be sold
without license.

No. 14.
Act 9 Vic.
c. 14.

Act to come
into operation
after the pass-
ing thereof.

brooms, cheese, salt meat, butter, lard, soap, or any articles of the growth and manufacture of the colony.

XIV. That this Act shall be and continue in force from and after the passing thereof, for and during the term of ten years, and from thence to the end of the then next Session of the General Assembly, and no longer.*

EIGHTH DIVISION.—POLICE ORDINANCES.

No. 15.
Ord. No. 12,
1855.

No. 15.—ORDINANCE No. 12 of 1855.

An Ordinance to regulate the Police of the Turks and Caicos Islands, and for other purposes. (Passed 31st October, 1855. Confirmed 20th March, 1856.)

PREAMBLE.

WHEREAS it is expedient that the laws in force for regulating the police of these islands should be amended and consolidated; May it, &c.

President to
appoint a Po-
lice Magistrate,

I. That so soon as this Ordinance shall come into operation it shall be lawful for the President, from time to time, to appoint a fit and proper person, being a Justice of the Peace, to be the Police Magistrate for this Presidency, who shall have full power to carry into execution this Ordinance, and all other Ordinances and laws which now are, or hereafter may be in force, relative to the police of these islands.

and Assistant
Police Magis-
trates.

II. That it shall be lawful for the President, from time to time, to appoint, for the purposes of this Ordinance, some Justice of the Peace resident at each of the following islands, or districts, namely, one at Salt Cay, and not exceeding three at the Caicos; to be stationed at such districts as may be appointed by the President, to be Assistant Police Magistrates, who shall in the absence of the Police Magistrate of the colony, possess within their respective districts the same powers as are herein conferred upon the Police Magistrate: provided that where an appointment as police, or Assistant Police Magistrate, has been already made, it shall not be necessary for a new commission to issue to any such persons.

Their attend-
ance.

III. That the said Police, and Assistant Police Magistrates, shall give attendance at some public offices at such times and places as the President may hereafter direct, in order to receive complaints and informations, to take affidavits and depositions respecting all felonies, misdemeanours, trespasses, breaches of the peace, nuisances, and other offences, and to deal with the offenders according to law.

Oath of office.

IV. That before the said police, or Assistant Police Magistrates, shall enter upon the duties of their office, they shall take and subscribe an oath of office as follows:

I, A. B. do solemnly swear that I will, to the best of my knowledge and ability, perform the duties of the office of Police (or Assistant Police) Magistrate for (*insert the name of the place*) SO HELP ME GOD.

* Continued by Ord. 10, 1851, and Ord. 2, 1857, for five years from 6th November, 1857.

No. 15.
Ord. No. 12,
1855.

Salaries.

Police Magistrate and Provost Marshal to be conjoint offices.

Assistant Receiver-General at Salt Cay to act as Assistant Police Magistrate.

Police Clerk and Chief Constable conjoint appointments.

Appointment of Stipendiary Constables.

Punishment for their misconduct.

Local Constables to be chosen annually.

V. And whereas it is necessary that salaries should be provided for the Police Magistrate of the Presidency, and the Assistant Police Magistrate at Salt Cay, be it therefore ordained, that so soon as any vacancy shall occur in the office of Police Magistrate, the person appointed to fill the same shall receive a salary at and after the rate of one hundred and fifty pounds per annum; and that so soon as a vacancy shall occur in the office of Provost Marshal, the Police Magistrate shall be appointed to fill the said office, and shall then receive a salary at the rate of two hundred pounds per annum for his services in both capacities; the said salary to be paid out of the Public Treasury by warrant in the usual manner: Provided always, that nothing herein contained shall be construed to apply to the receipt of the usual fees by the Police Magistrate of these islands, until a vacancy shall occur in the said office.—To the Assistant Police Magistrate at Salt Cay twenty-five pounds, on condition that the duties of the said office shall be discharged by the person officiating as Assistant Receiver-General.

VI. That whenever a vacancy shall occur in the office of clerk in the police office, the same shall be held in conjunction with the office of chief constable; and such person shall be appointed by the President, and shall receive, by warrant in the usual manner, an annual salary of twenty pounds for his services as such clerk.

VII. That it shall be lawful for the President to appoint fit and proper persons to act as constables for the said islands respectively, not to exceed twelve in all, who shall take the oaths proper to such office. And it shall be the duty of all constables at Grand Cay, not otherwise employed in the duties of their office, to attend the Supreme Court during its sittings; and such constables shall receive salaries according to the Schedule annexed, marked A, payable by warrant in the usual manner: Provided also that no such salaries made payable under this Ordinance shall be paid by virtue of the same, so long as provision is made by any other Ordinance for such salary.

VIII. That if any constable shall be guilty of any neglect, or violation of duty, or of any misconduct as a constable, on conviction thereof, before the Police or Assistant Police Magistrate, he shall be liable to such penalty as is hereinafter provided.

IX. That it shall be lawful for the Police Magistrate at Grand Cay, or Assistant Police Magistrate at Salt Cay, or the Caicos, with any other Justice of the Peace, to cause to come before them on some day in January in each year, any number of persons, not less than six, nor more than twelve, being resident inhabitants of such island or Cay; and from the names of the persons so summoned, one half of the number shall be drawn to serve as local constables for the ensuing year. And if by any means such constables shall not be drawn in the month of January, such omission may be supplied as soon as the same is discovered, and shall not in any way affect the legality of any appointments so made: Provided, however, that where it is not practicable to obtain the assistance of another Justice of the Peace, the Police, or Assistant Police Magistrate, may proceed alone to choose the constables as aforesaid: Provided also that no person shall be compelled to serve as such constable more than one year in three, nor while serving, to give attendance at the police office, nor to patrol the streets by night or day.

No. 15.
Ord. No. 12,
1855.

Who exempt
from serving
as local Con-
stables.

X. That all persons under the age of twenty-one, or more than fifty years old; Justices of the Peace; members of the Council; clergymen in Holy Orders, or other ministers of religion, not following any secular calling; officers of Her Majesty's Army, Navy or Ordinance, on full pay; barristers at law, attorneys, proctors, and solicitors, duly admitted in any Court of law or equity, or their clerks; all officers of any such Courts exercising the duties of their office; physicians and surgeons, actually practising; all revenue officers, and officers of Her Majesty's Customs; school-masters; gaolers; supervisors of public works; the surveyor of lands; pilots; the consuls, or representatives of any foreign power, and their deputies, shall not be liable to be drawn as constables under this Ordinance.

Penalty for re-
fusing to act
as a local Con-
stable.

XI. That all persons liable to serve as constables, and who shall be drawn as such, shall immediately take the oath appointed for constables. And if any person summoned and drawn as aforesaid, shall neglect or refuse to appear before such Justice or Justices, or refuse to take the necessary oaths (or if a quaker, the declaration to be substituted in place of such oaths) or having taken the oaths, or declarations aforesaid, shall refuse or neglect to serve, every such person so offending shall be liable to such penalty as is hereinafter provided.

Special Con-
stables how
appointed.

XII. That if it shall appear to any two Justices of the Peace, of whom the Police Magistrate, or one of the Assistant Police Magistrates shall be one; or in their absence, to any two Justices of the Peace, or to any Justice of the Peace, when one only can conveniently be found, that any insurrection, riot, tumult, or felony has taken place, or may reasonably be apprehended, such Justice or Justices may, and he or they are hereby authorized to call upon and appoint any person not exempted from serving as constables, and residing in such island, to act as special constables for such time, and in such manner as to the said Justice or Justices shall seem necessary for the preservation of the public peace, the protection of property, and the prevention or suppression of any such insurrection, riot, or felony; and shall, as soon as practicable, administer to such persons so appointed the oath or declaration proper to be administered to special constables.

Penalty for
refusing to act.

XIII. That if any person not legally exempted, appointed in manner before mentioned, shall neglect, or refuse to serve as such special constable, he shall be liable to such penalty as is hereinafter provided.

Allowance to
Special Con-
stables.

XIV. That it shall be lawful for the Justices by whom such special constables were appointed, to fix a reasonable allowance to be made to such constables, for their time, trouble, and necessary expenses, not exceeding four shillings by the day to each man; which allowance, upon a certificate from the Magistrate who appointed such constable, shall be paid out of the Public Treasury by warrant in the usual manner.

XV. That if at any time after the appointment of any local constables as aforesaid, and before the expiration of the year for which such constables were drawn, and sworn to serve, any one or more of such constables should die, or remove from the island for which he or they were so drawn and sworn to serve as aforesaid, it shall be lawful for the resident Justice or Justices aforesaid to proceed to the appointment of one or more persons in manner hereinbefore

directed; and such person or persons shall be obliged to serve for the period yet unexpired, for which the person or persons so dying, or removing, were liable to serve, under such penalty as is hereinafter provided.

No. 15.
Ord. No. 12,
1855.

XVI. That all constables who may be appointed under this Ordinance, so long as they shall continue to hold such office, shall be and they are hereby exempted from serving on any jury except special juries; from serving in the Militia, or serving as vestrymen; anything contained in any law or Ordinance of these islands to the contrary notwithstanding.

Exemptions of
Constables.

XVII. That every person who shall commit any of the offences in this clause designated, shall for each offence be liable to such penalty as is hereinafter provided, that is to say,—

Certain offences
how punished.

1. Every person who shall in any public road, street, highway, or other place of public resort, or in any place within sight and hearing of persons being in such road, street, highway, or place of public resort, disturb the Queen's peace by quarrelling, or making any loud noise, to the annoyance of persons residing or being in the neighbourhood; or who shall use, or apply to any other person, in such road or other place of public resort, or within sight and hearing of the same, any violent, scurrilous, or highly abusive terms of reproach, tending to a breach of the peace.

Disturbance of
the peace.

2. Every person who in any such road, or other place of public resort, or within sight and hearing of any person in the same, shall sing any profane or obscene song; or use any profane, obscene, or indecent language, expression, or term, whether the same be applied to any other person or not.

Profane language.

3. Every person who offers for sale, or distributes, or exhibits to public view any profane, indecent, or obscene book, paper, writing, print, drawing, or representation.

Exhibiting obscene books, &c.

4. Every person who wilfully and indecently exposes his person to, or within view of any other person.

Exposure of
the person.

5. Every person who wantonly to the annoyance or danger of the inhabitants of any town, or of the passengers in any road, street, or highway, or of the frequenters of any place of public resort, discharges any cannon, musket, or other fire-arm, or throws any stone or other missile, or makes any bonfire, or throws, or sets fire to any fire-work.

Discharge of
fire-arms or
fire-works.

6. Every person who plays at cricket or other game in any public road, street, or highway, or place of public resort, to the annoyance or danger of the passengers or frequenters thereof.

Playing any
games in public
streets, &c.

7. Every person who flies any kite in or over any road, street, or highway, or place of public resort to the annoyance of the passengers or frequenters thereof.

Flying kites.

8. Every person who suffers to be at large any ferocious dog unmuzzled; or who wantonly sets on or urges any dog or other animal to attack, worry, or put in fear any person, or animal.

Keeping ferocious dog unmuzzled.

9. Every person who in any public road, street, or highway, or place of public resort, rides or drives furiously any horse or other animal, or cart, or dray, or any cattle.

Furious riding, &c.

10. Every driver of a cart who shall quit the same while in any public road, street, or highway, whether such cart shall be moving or standing still, without employing some proper person to take charge of the same during his absence.

Leaving carts in public streets, &c.

11. Every person who having charge of any cart or wheel-

No. 15.
Ord. No. 12,
1855.

Intoxication.

Improper conduct before a Justice of the Peace.
Incorrect behaviour in places of worship.
Unlawful assembly in the public street.

Loitering about liquor shops.
Washing at public wells.

Depositing filth in any public place.

Duties of Constables in respect of such cases.

Intoxicated persons, how dealt with.

Surety of the Peace may be taken for 12 months.

barrow shall allow the same to remain in any public road, street, or highway, (except during such time as such cart or wheel-barrow shall be in actual use) in such place as will obstruct the passage of carriages, or other wheeled vehicles.

12. Every person found in a state of intoxication in any public road, street, or highway, or other place of public resort.

13. Every person guilty of any violent or indecent behaviour, in any police office, or who shall insult a Justice of the Peace while in the execution of his office.

14. Every person who shall behave irreverently, or indecently in or near any church, chapel, or place appropriated for religious worship during the time of divine service.

15. All persons who shall assemble in any public road, street, or highway, or other place of public resort, or in any unenclosed ground in the neighbourhood of the same, for any idle, lewd, vicious, or disorderly purpose, or otherwise than in the regular performance, or in pursuance of some lawful calling or object, to the annoyance or obstruction of the passengers, or other persons frequenting such road, street, highway, or place of public resort, or of the persons residing in the neighbourhood; and who shall not disperse when thereunto required by a Magistrate or other peace-officer.

16. Every person loitering, careusing, or the like, in or about any shop or place where liquors are sold by retail.

17. Every person who shall wash himself, herself, or clothes, or articles of any kind, in any public well, or within fifty feet of the same; or shall throw or place filth of any kind into or upon any tank or well, private or public.

18. Every person who shall deposit any dirt, filth, or offensive matter in or near any public street or highway; or shall deposit the same in any place within any town or settlement of these islands, to the annoyance of the inhabitants thereof, and shall not upon notice given him or her by any Justice of the Peace or constable remove the same without delay.

XVIII. That it shall be lawful for any constable to apprehend and carry before some Justice of the Peace any person committing any of the offences in the last preceding clause set forth: Provided that if any such offender be apprehended after office hours, or upon the Lord's day, it shall be lawful to lodge such offender in some lawful place of confinement. And it shall be lawful for any gaoler to receive and keep such person until he can conveniently be taken before a Justice of the Peace to be dealt with according to law.

XIX. That it shall be the duty of every constable by every lawful means to repress all such offences; and every wilful neglect so to do shall be considered as a neglect of duty and be punished accordingly.

XX. That any person being found in a state of intoxication in any road, street, or highway, or place of public resort, may, by order of any Justice of the Peace, be committed to some lawful place of confinement, until he become sober; and every such person, on conviction, shall be liable to a penalty not less than one pound, nor more than five pounds; and, in default of payment, to imprisonment for a period not less than ten days, and not exceeding thirty days.

XXI. That it shall be lawful for any Justice of the Peace to call upon any person to find surety of the peace, or surety for good

behaviour, on sufficient cause being shown on oath, for any term not exceeding twelve months.

XXII. That whenever any recognizance entered into before a Justice of the Peace shall be forfeited, the penalty, if not exceeding ten pounds, may be recovered in a summary manner; and if exceeding that amount, then the same shall be recovered in the Supreme Court.

XXIII. That the word "horse," where it occurs in this Ordinance, shall be understood to include not only horses, but also mares, geldings, mules, and asses. And the word "cart" shall be understood not only to include carts, but also drays, waggons, hand-carts, and carriages.

XXIV. That it shall not be lawful for the owner or owners to permit any stallion to be at large in any public street or highway within these islands, under such penalty as is hereinafter provided.

XXV. That every person convicted of any of the offences in the preceding sections enumerated, for which no penalty is provided, shall be liable to a penalty not exceeding five pounds, and in default of payment, to imprisonment not exceeding thirty days; and if an old offender, hard labour may be added to such imprisonment.

XXVI. That every person who shall assault, resist, or impede, or shall aid or incite any person to assault, resist, or impede any constable in the execution of his duty, or shall refuse or neglect to assist any constable in the execution of his duty, when required so to do by such constable, shall be liable to a penalty not exceeding five pounds, and in default of payment, to imprisonment for any period not exceeding thirty days.

XXVII. That every offence against the provisions of this Ordinance may be tried and determined, and all penalties be recovered by the Police or Assistant Police Magistrates; and the costs of prosecution may be added, at the discretion of such Magistrate, to the penalty inflicted.

XXVIII. That in some conspicuous place in the police office of each district of these islands there shall be affixed a copy of the table of fees in the schedule to this Ordinance annexed marked (B): and no Justice shall demand or receive any other fees than those allowed by this Ordinance, on pain of forfeiting double the amount overcharged to the party aggrieved. And all fees received by the Police, and Assistant Police Magistrates, who shall be in receipt of any stipend as such, shall be paid by them quarterly into the Treasury.

XXIX. That the several provisions of Ordinance No. 16 of 1849, relative to the regulating of appeals in cases of summary conviction, shall extend to all cases of conviction under this Ordinance; but that no conviction, order, warrant, or other matter made, or purporting to be made under this Ordinance, shall be quashed for want of form; and no warrant of commitment shall be held void by reason of any defect therein, provided that it be alleged therein that the party has been convicted, and there be a good and valid conviction to sanction the same. And where any distress shall be made by virtue of this Ordinance, the distress shall not be deemed unlawful, nor the party making the same a trespasser on account of any defect or want of form in the summons, conviction, warrant, or other proceeding relating thereto; nor shall the party distraining be deemed a trespasser on account of any irregularity afterwards

No. 15.
Ord. No. 12,
1855.

How to be recovered in case of forfeiture.

Definition of certain words.

Stallions not to be at large.

Penalty on conviction of offences under this Ordinance not otherwise provided for.

Penalty for impeding Constables.

Offences to be tried and penalties to be recovered by Police Magistrate.

Schedules of fees to be affixed in Police offices.

Fees to be paid into the Treasury.

Appeals allowed in all cases.

Warrants not to be quashed for want of form.

No. 15.
Ord. No. 12,
1855.

Acts repealed.

committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, by an action on the case.

XXX. That the following Acts and parts of Acts shall be, and they are hereby repealed, namely, all those Acts known in the printed copies of the Laws of the Bahamas as

The 4 William 4, chapter 7 ;

The 4 William 4, chapter 9 ;

The 4 and 5 clauses of the 4 William 4, chapter 11 ;

The 6 William 4, chapter 6 ;

The 4 Victoria, chapter 13 ;

The 8 Victoria, chapter 28 ;

The 8 Victoria, chapter 34 ;

The 11 Victoria, chapter 13 ; also so much of that Act known as aforesaid as 2 Victoria, chapter 16, as relates to the appointment, duties, and salaries of stipendiary constables and gaolers.

Construction
of the word
President.

XXXI. That the word "President," wherever it occurs in this Ordinance, shall be construed to mean the Officer lawfully administering the Government for the time being.

XXXII. That all fines and penalties, when recovered, shall be applied to the use of Her Majesty, her heirs, and successors, to be applied towards the support of the Government of these islands.

JAMES MISICK,

Senior Member of Council Administering the Government.

SCHEDULE A.

	£	s.	d.
Chief constable and clerk to the Police Office	80	0	0
Constables at Grand Cay ; salaries not to exceed, each	26	0	0
Constables at Salt Cay ; salaries not to exceed, each	20	0	0
Constables at the Caicos ; salaries not to exceed, each	16	0	0

SCHEDULE B.

TABLE OF FEES.

MAGISTRATES'.

For drawing an affidavit in case of misdemeanour intended for prosecution in the Supreme Court	0	4	0
Every summons or warrant	0	1	0
Every execution	0	1	0
Every oath	0	0	6
Every recognizance	0	2	0
Hearing every case and giving judgment	0	2	0

CONSTABLES' FEES.

Serving each summons or warrant	0	0	6
---------------------------------	---	---	---

CLERKS' FEES.

Each summons	0	0	6
Recording cause	0	0	6

No. 16.—ORDINANCE No. 7 of 1856.

No. 16.
Ord. No. 7,
1856.

An Ordinance to extend the Jurisdiction of the Police and Assistant Police Magistrates of this Presidency. (Passed 29th August, 1856. Confirmed 18th March, 1857.)

WHEREAS by virtue of certain Acts of the General Assembly of the Bahama Islands, extended to and in force within this colony by the Act of the said Assembly passed in the eleventh year of your Majesty's reign, chapter one, known as the Turks Islands Separation Act, exclusive jurisdiction, power, and authority are given to the Stipendiary Justices of the colony for the adjudication of certain offences therein specified, and for other purposes. And whereas an Ordinance No. 3 of 1856 for the Prospective reduction of Salaries to Public Officers of the Presidency of the Turks and Caicos Islands, no provision is made for the salary or stipend of such Stipendiary Justice, it being considered that the duties hitherto performed by such Justice should be discharged by the Police and Assistant Police Magistrates of the colony: And that so soon as a vacancy shall occur in the office of Stipendiary Justice, the Police and Assistant Police Magistrates of the colony should be invested with the jurisdiction, power, and authority hitherto exercised by the said Stipendiary Justices under and by virtue of the Acts hereinbefore mentioned; May it, &c.

PREAMBLE.

I. That so soon as a vacancy shall occur in the office of the Stipendiary Justice of the colony, the Police and Assistant Police Magistrates of these islands shall, within their respective districts, be invested with all and singular the same power, jurisdiction, and authorities as are now vested in the Stipendiary Justice of the colony under and by virtue of the following Acts of the General Assembly of the Bahama Islands, extended to these islands, and in force as aforesaid, to wit:—The Act 3 Vic. ch. 1, for Regulating the Relative Duties of Masters and Servants, for Providing for the Apprenticing of Children, and for other purposes; The Act 3 Vic. ch. 2, to Provide Summary Remedy against the Occupation of Land by Persons having no Title to the same; The Act 3 Vic. ch. 3, for the better Suppressing of Vagrancy, and for the Punishment of Idle and Disorderly Persons and Rogues, Vagabonds, and other Vagrants; and under and by virtue of any of the Acts of the said Assembly, passed in amendment of the said three recited Acts, which have been extended to these islands in manner hereinbefore mentioned.

II. That in all cases of conviction under this Ordinance, the party or parties convicted shall have the power of appeal to the Supreme Court, subject to the provisions contained in Ordinance No. 16 of 1849, which said Ordinance shall in all respects be held to apply to such cases of conviction.

III. That the said Police and Assistant Police Magistrates shall and may, for anything done by them under this Ordinance, take fees according to the scale of fees set forth in Ordinance No. 12 of 1855.

IV. That for every contract of service, or agreement, or deed of apprenticeship entered into before any Police or Assistant Police Magistrate, such Magistrate shall be entitled to the sum

No. 16.
Ord. No. 7,
1856.

of two shillings for each labourer hired or apprentice bound, under and by virtue of this Ordinance to be paid by the master or employer.

V. That all fees received under this Ordinance shall be subject to the provisions contained in the 28th section of Ordinance No. 12 of 1855.

CLASS XIII.

HEALTH OF TOWNS.

No. 1.
Ord. No. 10,
1852.

No. 1.—ORDINANCE No. 10 of 1852.

An Ordinance for securing the Public Health. (Passed Nov. 4th, 1852. Confirmed August 1st, 1853.)

PREAMBLE.

WHEREAS it is of the highest importance that some effectual regulations should be made for the security and preservation of the public health; May it, &c.

The President to appoint
Boards of
Health.

I. That the President or Officer administering the government shall, in the month of November of every year, appoint Boards of Health, to continue and have existence for twelve calendar months, and to consist of not less than five persons for Grand Turk, three for Salt Cay, three for East Harbour, three for Lorimer's Caicos, and three for each of any of the other settlements at the Caicos; and it shall be lawful for the President, or other Officer as aforesaid, from time to time, to fill up any vacancy or vacancies which may occur in any such Boards, during the period for which any such Board shall have been appointed as aforesaid.

Boards to
report to the
President.

II. The Board of Health appointed for Grand Turk, and the Board of Health appointed for Salt Cay, and those appointed for the Caicos Islands, shall report in writing to the President or other Officer as aforesaid, from time to time on any cause or causes which in their opinion may exist and be likely to endanger the health of the inhabitants of the colony, and to recommend such measures as may appear to them judicious for the removal thereof; and in case any epidemic disease should prevail in the colony, it shall be the duty of the Boards of Health to report thereon, and to recommend such measures as may appear to them expedient to arrest or diminish it.

Proceedings on
such reports.

III. That whenever any such Boards of Health shall report to the President or other Officer as aforesaid the existence of any local cause or causes in any part of the colony, tending to endanger the public health or the health of the inhabitants of such locality, and there shall be no means under the then existing laws of the colony whereby such cause or causes of disease may be removed or guarded against, it shall be lawful for the President or Officer administering the government for the time being, acting by and with the advice of the Executive Council, to adopt all such measures as any of the aforesaid Boards of Health may recommend for removing any such local cause or causes of disease, or otherwise guarding against the probable consequences thereof, and every order issued by the President, or Officer administering the govern-

ment in council, in the exercise of the power hereby vested in him, and all Acts performed in pursuance or under the authority of any such order, shall be held to be, and shall be, as good, legal, and valid, as if the same was or were authorized in express words by some Ordinance of the colony; and every person who shall disobey any such order, or any part of such order, or shall resist, obstruct, or otherwise oppose any person in carrying such order or any part thereof into execution, shall be guilty of a misdemeanour.

IV. All vessels arriving at any port of entry within these islands, and all persons, goods, and merchandise whatsoever embarked therein, coming from any port or place where any contagious or malignant disorder shall exist, or from any port or place from whence the President for the time being, by and with the advice of the Executive Council, shall judge it to be probable that infectious distempers may be brought, or having had or then having on board any person ill of any dangerous disease, or on board of which vessel any person shall have died of disease during the passage to either of the said ports, shall, before such vessel be admitted to an entry, and such persons, goods, or merchandise allowed to be landed, be liable to such restrictions or required to comply with such directions as shall from time to time be prescribed by the President for the time being, by and with the advice of the Executive Council, by any order or orders as aforesaid.

V. The President or Officer administering the government for the time being, in council, shall make such rules and regulations for the direction of pilots on boarding vessels, and for the purpose of enforcing such restrictions and requirements as shall be deemed necessary as aforesaid, which said rules and regulations shall be printed at the public expense, and a copy given to each qualified pilot, and such other persons as the President shall think proper, without any charge therefor. And every pilot or other person who shall be guilty of a violation of the said rules and regulations or any of them, made according to and for the carrying out the provisions of this Ordinance, shall for each offence forfeit and pay a sum not exceeding twenty pounds, nor less than ten shillings, or in default shall be imprisoned for any term not exceeding six months.

VI. Whenever it shall be made to appear to the satisfaction of the President or Officer administering the government for the time being, in council, to be necessary for the health of the inhabitants of the colony or of any town, that any "fresh-water" swamp, or low ground in any part of or in the vicinity of such town, or in any other part of the colony, should be filled up, and the proprietor or proprietors of such swamp or low ground, or the proprietor of any portion thereof, shall refuse when thereto required to sell the same, or shall refuse or neglect to have the same filled up to the satisfaction of the civil engineer of the colony, or other person to be appointed for that purpose by the President or Officer administering the government for the time being, to superintend the filling up of swamps and low grounds as aforesaid, it shall be lawful for the President or other Officer administering the government for the time being, acting by and with the advice and consent of the Executive Council, upon being satisfied that it is practicable to reclaim the same, and that the proprietor or proprietors have a good and sufficient title in law, to purchase every such swamp or low ground

No. 1.
Ord. No. 10,
1852.

The President in Council to make regulations with respect to vessels and merchandise,

and for the directions of Pilots.

Provisions relative to swamps and low grounds.

Swamps, &c., to be filled up by proprietor, or to be sold by consent; or

No. 1.
Ord. No. 10,
1852.

by precept
directed to
the Provost
Marshal to
value and ap-
praise.

Proceedings on
precept.

Swamps, &c.,
when valued,
to be taken
possession of
on behalf of
the President.

or portion thereof as the proprietor or proprietors thereof shall refuse or neglect to have filled up as aforesaid, and to pay to such proprietor or proprietors, on his or their executing and delivering a good and sufficient conveyance therefor, such sum of money as may be agreed upon as the purchase-money of such swamp or low ground, or a portion of such swamp or low ground, as aforesaid, between the President or Officer administering the government as aforesaid, in council, and the said proprietor or proprietors; all which sums of money it shall be lawful for the President or Officer administering the government for the time being, by and with the advice and consent of the council, to authorize to be paid out of the public treasury by warrant in the usual manner; but if any such proprietor or proprietors shall refuse to sell his or their interest in such swamp or low ground as aforesaid, or shall not agree to accept the price offered by the President or Officer administering the government for the time being, in council, or if any such proprietor be a minor, or be under any other legal disability or natural incapacity to effect such sale and execute conveyances as aforesaid, or shall be absent from the colony without any known attorney or agent, then, and in every such case it shall be lawful for the President or Officer administering the government for the time being, acting by and with the advice and consent of the Executive Council aforesaid, to issue a precept to the Provost Marshal of the colony, or to his deputy, commanding either of them to have such swamp or low ground, as aforesaid, viewed and appraised in manner as is hereinafter mentioned.

VII. That it shall be the duty of the Provost Marshal or his deputy, upon the receipt of every such precept, to summon five freeholders of Grand Turk, or Salt Cay, or at any of the settlements at the Caicos (according to the locality of such swamp or low ground) to accompany him to view and appraise or value such swamp or low ground or portion thereof as aforesaid, and every person so summoned shall attend at the time and place named in the summons, and having signed a declaration well and faithfully to discharge their duties as appraisers under this Ordinance, shall then accompany the said Provost Marshal or his deputy to the swamp or low ground, or portion thereof referred to in such precept, and having viewed the same, shall forthwith appraise and value the same, and shall afterwards certify such valuation upon the back of the precept, and the Provost Marshal shall thereupon return the precept to the office of the Colonial Secretary at Grand Turk.

VIII. Whenever any swamp or low ground, or portion of a swamp or low ground, shall have been valued as aforesaid under the authority of this Ordinance, and the precept shall have been returned to the secretary's office, as provided for by this Ordinance, it shall be lawful for the President or Officer administering the government for the time being, to cause possession of the same to be taken by the Crown Commissioner, or by some other person acting for and on his behalf, and all swamps and low grounds so taken possession of shall be dealt with in the same and the like manner as if the proprietor or proprietors had executed and delivered conveyances therefor, under the provisions of this Ordinance.

IX. Every precept issued, executed, and returned under the authority of this Ordinance shall be kept as a record in the office

of the Colonial Secretary and Registrar of Deeds; and all swamps and low grounds mentioned and referred to in any such precept shall, from the date of the return thereof, vest in the President or Officer administering the Government for the time being, for the purposes of this Ordinance: and all previous titles thereto, and estates or interests therein, shall be barred, and the interest and rights of all persons previously thereto entitled, or in any way interested therein, shall be transferred from the valued premises to the sum of money at which the same shall have been so valued: and such sum of money shall be paid out of the Public Treasury, at any time when demanded, upon the party or parties showing their right to receive the same, and executing a conveyance, under this Ordinance, for the premises in respect of which any such sum of money shall be demanded as aforesaid.

X. All swamps and low grounds acquired by the President or Officer administering the Government for the time being, under the authority of this Ordinance; and all swamps and low grounds, the property of the Crown, which shall be deemed prejudicial to health, shall forthwith be filled up in such manner with stone, marl, sand, or other fitting material as shall be necessary for effectually securing the health of the inhabitants of the district to which such swamps or low grounds are respectively contiguous; and when and as often from time to time as any such swamps and low grounds, other than those vested in the Crown, shall be so filled up and reclaimed, the same shall be sold and disposed of under the authority of, and in such way and manner, and on such terms as shall be deemed by the President or Officer administering the Government for the time being, in Council, to be most advantageous for the interest of the colony, and the proceeds of all such sales shall be paid into the Public Treasury in aid of the expenses of the government of the colony.

XI. If the proprietor or occupier of any lot of land situate at Cockburn Town, Grand Turk, or the proprietor or occupier of any lot of land at Balfour Town, Salt Cay, or at any of the settlements within the Caicos Islands, shall permit or suffer weeds to grow in such lots, or shall permit any description of filth or rubbish to accumulate therein, or any stagnant water to be and remain therein, and shall not remove the same within a reasonable time when required to do so by the chief constable or by any constable acting under the orders of any Police or Assistant Police Magistrate; or if any person shall bring or have in his possession, within the limits of any such towns as aforesaid, any offensive substances calculated to affect the health of the inhabitants of such town, and shall not remove the same when so required as aforesaid, it shall be lawful for any two Justices of the Peace, on complaint made, to order and cause the nuisance complained of to be forthwith abated; and every person offending against the provisions of this clause shall, on conviction before any two Justices, forfeit and pay any sum not exceeding ten pounds over and above the expense incurred in the removal or abatement of the nuisance complained of.

XII. Every person being the proprietor, or occupier, or having the possession of a house at Cockburn Town, Grand Turk, or at Balfour Town, Salt Cay, within the limits of those towns, or within any of the settlements at the Caicos Islands, or in the absence of the proprietor, his or her lawful attorney or agent, shall,

No. 1.
Ord. No. 10,
1852.

Precept to be returned and recorded in the Secretary's office.

Value to be paid out of the Public Treasury.

Such swamps to be sold, and proceeds paid into the Public Treasury.

Provision respecting weeds, &c., growing on lots.

Streets fronting lots to be swept by proprietor.

No. 1.
Ord. No. 10,
1852.

Penalty for
not sweeping
streets.

Penalty for
throwing any
filth, &c., in
public streets,
&c.

Constables
authorized to
enter premises
with an order
from a Magis-
trate.

Penalty for
throwing
weeds or car-
cases on the
sea-shore.

Provisions
respecting
dilapidated
buildings.

when necessary, cause to be swept and cleaned the street fronting the premises of which he shall be the proprietor or occupier, attorney, or agent; and the proprietor, occupier, or person having charge of the premises, if, on notice thereof being given to him or her by the chief constable, or by any constable acting under the orders of any Police or Assistant Police Magistrate, the street fronting as aforesaid, be not, within twelve hours from the giving such notice, swept and cleaned, any such proprietor, occupier, attorney, or agent as aforesaid shall, on conviction, forfeit and pay the sum of ten shillings.

XIII. It shall not be lawful for any person to throw or place, or cause to be thrown or placed, upon any part of any public street, lane, or road, either at Grand Turk or Salt Cay, or elsewhere, where the health of the inhabitants might thereby be endangered, any soap-suds, or other liquid or solid substance of an impure or otherwise offensive description, under a penalty of not less than four shillings, and not exceeding twelve shillings, for every offence; the said penalty to be recovered in a summary way.

XIV. It shall be the duty of all constables, when they shall become cognizant of, or be credibly informed of, the existence of any offence punishable by virtue of this Ordinance, to apply to the police or the nearest magistrate, for an order to repair to the place without delay, in order to repress or assist in repressing the same, or otherwise to assist in carrying the provisions of this Ordinance into effect, and it shall be lawful for any such constable or constables, on producing such order, to enter into any yard or other enclosure, in the execution of any such duty, and there to remain for such reasonable time as may be necessary for the proper discharge of such duty; and any person who shall presume to resist, abuse, disturb, or otherwise wilfully impede, or wantonly insult, threaten, or otherwise annoy, any constable in the performance of his duty, shall be held guilty of a misdemeanour: and every person convicted thereof before any two or more Justices of the Peace shall, in the discretion of the convicting Justices, be fined in any sum not exceeding ten pounds; or, in default of payment, be committed to the common gaol, with or without hard labour, for any period not exceeding three months.

XV. No person shall throw or cause to be thrown into the sea, or on the sea-shore, in such a way as might not be carried away effectually by the tides, any weeds, filth, putrid matter, or the carcass of any animal or beast, of any description or kind, or any other offensive substance, of any kind whatsoever, under a penalty not exceeding five pounds for such offence; the moiety of all fines, penalties, and forfeitures imposed and recovered under the provisions of this Ordinance, as also of all penalties levied under the Act of Assembly of the Bahama Islands, 11 Vic. ch. 8, shall be paid into the Public Treasury of these islands, and the other moiety to the informer, to be recovered in a summary way.

XVI. That it shall be lawful for the said Boards to report to the President or Officer administering the Government of these islands, the existence of any old and dilapidated building, in their respective towns or districts; and upon such report so made, if the proprietor or proprietors of such building shall not, within five days after notice given him or them to that effect, cause and procure the same to be removed or repaired, so as to abate the nuisance

complained of, it shall be lawful for the President or Officer administering the Government, by and with the advice and consent of the Executive Council, to issue his precept to the Provost Marshal of these islands, requiring him to cause the same to be removed as soon as may be; the expense of such removal to be defrayed by the sale of the materials of such building; and the balance, if any, to be returned to such proprietor or proprietors; or if the proceeds of such sale should not suffice to defray such expense, the amount of such deficiency may be recovered from such proprietor or proprietors in like manner as small debts are now recovered—and in case there shall be no proprietor within these islands upon whom such notice can be served, a written notice affixed to some conspicuous part of such building for the space of ten days shall be considered a sufficient notice upon such proprietor or proprietors.

XVII. That the limits of the respective towns and settlements within these islands, for the purposes of this or any other Ordinance, or of any Act or Acts of the Bahama Islands, shall be fixed by the President in Council, and be published for general information.

XVIII. All persons acting under the authority of the President and Council, with reference to the provisions of this Ordinance, before it shall have been formally assented to by the Governor-in-Chief, shall be held harmless for any act so done by them so soon as the aforesaid assent shall have been received.

No. 1.
Ord. No. 10,
1852.

Limits of
town to be
published.

Indemnity
for measures
adopted pre-
vious to the
assent of the
Governor-in-
Chief to this
Ordinance.

CLASS XIV.

MILITIA AND VOLUNTEER RIFLE CORPS.

No. 1.—ORDINANCE No. 4 of 1854.

An Ordinance to consolidate and amend the Laws now in force relating to the Militia. (Passed 30th June, 1854. Confirmed 11th December, 1854.)

No. 1.
Ord. No. 4,
1854.

WHEREAS the laws now in force relating to the Militia of the Turks and Caicos Islands require amendment, and it is expedient to consolidate the same; May it, &c.

PREAMBLE.

I. That from and after public notification shall have been given, in the usual manner, of the allowance of this Ordinance, the entire Militia of these islands shall be, and is hereby disbanded.

Militia dis-
banded.

II. That the President of these islands for the time being, during the absence from the said islands of the Captain-General and Governor-in-Chief, or the Officer administering the Government of Jamaica for the time being, shall be the Commander-in-Chief of any Militia force that may be established within these islands, subject, nevertheless, to such supervision as the said Captain-General and Governor-in-Chief may now or hereafter lawfully exercise over the administration of the Government of these islands.

President to
be Commander-
in-Chief of
any Militia to
be established.

III. That it shall be lawful for the President to appoint, provisionally, until Her Majesty's pleasure be known, the officers

President to
appoint Officers.

No. 1.
Ord. No. 4,
1854.

Commissions to continue in full force notwithstanding demise of the Crown.

Officers to provide themselves with uniforms.

Officers not to resign without the consent of the President.

Officers of former Militia exempt from any fee for Commission.

Who are liable to serve in the said Militia.

Exemptions.

Men to be chosen by ballot for five years' service.

of the said Militia; and to regulate the arms, accoutrements, and dress of the said Militia as he shall think proper: and such dress, when decided on, shall not be altered during the continuance of this Ordinance.

IV. That on the demise of the Crown it shall not be necessary for any officer in the said Militia to renew any commission; but all such commissions shall nevertheless continue in full force.

V. That every officer appointed to the said Militia shall, within six months after his appointment, at his own cost and charges, provide himself with the proper uniform of the corps to which he may be attached; and no person who shall hereafter accept a commission in the said Militia shall be allowed to resign the same without the consent of the President: and the promotion of officers of the Militia within these islands shall be restricted to officers resident at the island at which any vacancy may occur.

VI. That no officer of the late Militia shall be liable for the payment of fees on any commission which he may accept under this Ordinance, conferring upon him similar rank to that which he previously held in the Militia; and no person who shall have held a commission in any Militia of these islands, and shall not have been dismissed therefrom, shall be compelled to serve in any rank inferior to that conferred upon him by such commission.

VII. That every male inhabitant of these islands between the ages of sixteen and fifty years who shall be a British subject, or naturalized as such, and who shall have resided six months within the colony, shall be deemed liable to serve in the Militia of these islands, save and except always the members of both Councils of these islands; all officers of any Court of Law or Equity of these islands; the Colonial Secretary or acting Colonial Secretary of the colony; the Crown Commissioner; all officers of Her Majesty's Customs, or Revenue officers; the Clerk to the Council; all Police and Stipendiary Magistrates; stipendiary constables and gaolers; all clergymen in Holy Orders; all priests of the Church of Rome; all duly recognized ministers of all dissenting congregations; all schoolmasters; students at any public school; all pilots, certified by the port officer to be employed as such; port officers; health officers; and the superintendents or supervisors of any poor-house or hospital.

VIII. That the Militia force, in such manner as shall be directed by the President, shall be chosen by ballot for five years; and shall consist of two companies of infantry, and one company of artillery, at Grand Turk; and one company of infantry, and one of artillery at Salt Cay; not to exceed in all one hundred and fifty men, exclusive of officers; and the persons so chosen shall be summoned to appear at a time and place named, to enrol themselves in the Militia of the island or district of which they shall be inhabitants.

IX. That it shall be lawful for the President to permit the enrolment of two companies of Volunteers: one at Grand Turk to consist of such number of non-commissioned officers and men as he may deem proper, not exceeding fifty; and another at Salt Cay not exceeding twenty-five; and to form each of the said companies into an infantry and artillery corps, to be officered, armed, accoutred, and dressed (subject nevertheless to the restrictions, regulations, and provisions herein contained in respect of the Militia) as the President may direct and appoint.

No. 1.
Ord. No. 4,
1854.

X. That on every occasion when the Volunteer Corps shall be called out for drill, duty, or parade, the privates of the Volunteer Corps may severally claim to be paid from the colonial Treasury one shilling; and the non-commissioned officers one shilling and threepence, for which amounts the President is hereby authorized, from time to time, to grant his warrants on the Treasury of the colony, in favour of the paymaster of the said Volunteer Corps.

XI. That no person volunteering to serve shall be liable to be drawn by ballot during the period he shall so serve as a volunteer, and shall be exempt from future service in the same manner as other persons who, having been drawn, have served during the period required by law.

XII. That it shall be lawful for any person chosen by ballot and summoned to appear, to produce some person fit for service for his substitute whose name is contained in the alphabetical list herein provided for, and who shall be approved of by the commanding officer of the Militia at the island for which such person has been drawn; and such substitute shall be enrolled to serve in the said Militia during the period for which the person so drawn shall be liable to serve therein: and every person producing such substitute as hereinbefore provided shall be exempt from service during the said period, and also shall not be liable to be again chosen until the whole of the persons whose names are contained in the general list for the island or district of which he shall be an inhabitant shall have been drawn; and every such substitute, upon the expiration of the term of service of the person in whose stead he was enrolled and served, shall, notwithstanding such enrolment and service, be liable to be chosen at the next ensuing ballot.

Substitutes may
be produced.

XIII. That it shall be lawful for the President to cause alphabetical lists of all persons liable by virtue of this Ordinance to perform Militia duty, to be taken annually at the Turks Islands, and at such other islands within this Presidency as he shall think fit; and the Militia force of such other islands shall consist of such number of men, and shall be formed into such regiments or companies as the President in the Executive Council shall from time to time direct and appoint.

Alphabetical
lists to be taken
annually,

XIV. That whenever any such lists shall have been so prepared as aforesaid, the same shall be deposited in the custody of some officers of the said Militia, to be selected for that purpose by the President, and shall be kept by such officers at some convenient place for public inspection.

and deposited
with Officers
to be appointed
for their
custody for pub-
lic inspection.

XV. That if any person whose name shall be inserted in any list in pursuance of this Ordinance shall think himself aggrieved thereby, or by the omission of any other name, it shall be lawful for the President, on complaint made to him, to cause such complaint to be inquired into in such manner as he shall deem proper, and to make such order therein as to him shall seem fit, which order shall be final.

Returns how
corrected.

XVI. That vacancies in the said Militia arising from death, expiration of term of service, or other cause, shall be filled up by ballot for the term of five years from the date of each ballot, from the persons remaining unchosen upon the general lists, or from such other persons who may be, or have become liable to be chosen.

How vacancies
to be filled up.

XVII. That any person so drawn and summoned as aforesaid, who shall neglect to enrol himself in obedience to such summons,

Penalty for neg-
lecting to enrol.

No. 1.
Ord. No. 4,
1854.

Defaulters, how
dealt with.

shall forfeit and pay the sum of three pounds, to be recovered in a summary way before any one of Her Majesty's Justices of the Peace, or in default of payment, shall be liable for the first offence to be imprisoned for any period not exceeding thirty days, and for any subsequent offence, to any period not exceeding three months.

Musters, &c.,
regulated.

XVIII. That if any such defaulter as aforesaid shall not, within three days after satisfaction of the judgment given, or after his discharge from prison, should he be imprisoned on that account, enrol himself in the said Militia, he shall be again proceeded against as before: And if any non-commissioned officer or private shall remove his residence from one island to another where any Militia shall be embodied, he shall enrol himself in such company of the said Militia as shall be ordered by the officer there commanding, and shall be subjected for any neglect thereof to the same fines and penalties as he would have incurred had he neglected to enrol himself as required under the provisions of this Ordinance.

XIX. That it shall be lawful for the President from time to time to regulate by general order the number of general musters or reviews, company musters, or drills, and other duties to be performed by the said Militia; as also all matters relating to the internal economy of the said Militia; and that, except when otherwise directed by the said President, no greater number than twelve private drills shall take place in any one year, and no greater number than two private drills in any one month.

No man to
appear under
arms except
by order.

XX. That it shall not be lawful for any officer, non-commissioned officer, or private in the said Militia, to appear under arms, except in obedience to any order as aforesaid, under a penalty of one pound for every offence, to be recovered in manner aforesaid.

President to
order Courts
Martial.

XXI. That for the trial of all offences that may be committed under this Ordinance, and which are not herein otherwise provided for, it shall be lawful for the President to grant commissions for holding General Courts Martial when required, and that every such General Court Martial shall consist of at least one field-officer and six other commissioned officers, to be nominated by the President, and summoned by warrant under the hand of the President of such Court at least three days previous to the time appointed for holding the same; and that every Regimental Court Martial shall be convened by the senior field-officer at Grand Turk or Salt Cay, as the case may be, and shall not consist of less than five officers, except in cases where that number cannot conveniently be assembled, when three may be sufficient, which aforesaid Courts shall determine by a majority of votes: And every officer so summoned who shall refuse or omit to attend such general or Regimental Court Martial shall forfeit for every such offence a fine not exceeding ten pounds.

How consti-
tuted.

Notice of trial.

XXII. That every person so to be tried by a General Court Martial shall have five days' notice in writing; and by a Regimental Court Martial, two days' notice, as well of the charges to be preferred against him as of the time and place of trial; and if any person so notified shall not appear or send a satisfactory excuse for his absence, or if evidence be given of his secreting or keeping himself out of the way to avoid the service of such notice, he shall stand convicted of the offence in such notice expressed, and shall incur such penalty as the Court would have adjudged had he been tried and convicted.

Persons not
attending, how
punished.

XXIII. That all General and other Courts Martial constituted by this Ordinance shall have authority, and they are hereby required to administer an oath to every witness examined at the trial of any offences which may be brought before them; and any person taking a false oath, or procuring or suborning any other witness or person so to do, shall be liable to have an information filed against him in the Supreme Court of these islands, and, upon conviction, shall suffer the like pains and penalties as by law are inflicted upon persons guilty of perjury or subornation of perjury.

No. 1.
Ord. No. 4,
1854.

Courts au-
thorized to
administer
oaths.

XXIV. That in all trials by General or other Courts Martial to be held by virtue of this Ordinance, every member assisting at such trial, before any proceedings be had thereon, shall take the following oaths before the Judge Advocate or his deputy, or (in Regimental Courts Martial) before the clerk appointed by the President of the said Court, who are respectively authorized to administer the same, that is to say:—"You shall well and truly try and determine according to evidence in the matter now before you,

Form of oaths.

"SO HELP YOUR GOD."

"I, A. B., do swear that I will duly administer justice according to Ordinance No. 4 of 1854, entitled 'An Ordinance to consolidate and amend the Laws now in force relating to the Militia,' without partiality, favour, or affection: And if any doubts shall arise which are not explained by the said Ordinance, according to my conscience, the best of my understanding, and the customs of war in like cases. And I further swear that I will not divulge the sentence of the Court until it shall be approved of by the President, or other officer duly authorized; neither will I upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof by a Court of Justice or a Court Martial, in due course of law,

"SO HELP ME GOD."

And as soon as the said oaths shall have been administered to the respective members, the President of the Court is hereby authorized and required to administer to the Judge Advocate or the person officiating as clerk an oath in the following words:—

"I, A. B., do swear that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court Martial in due course of law,

"SO HELP ME GOD."

XXV. That no person whatsoever shall use any menacing or disrespectful words, signs, or gestures in the presence of any Court Martial when sitting, or shall cause any riot or disorder, so as to interrupt their proceedings, on pain of imprisonment, at the discretion of such Court Martial for any period not exceeding ten days.

Punishment
for misbeha-
viour.

XXVI. That all witnesses duly summoned by the Judge Advocate or person officiating as such shall, during their necessary attendance on such Courts, and in going to and returning from the

Witnesses
free from ar-
rest.

No. 1.
Ord. No. 4,
1854.

Neglect of attendance, how punished.

Sentence to be reported before executed.

Record of proceedings to be kept.

Under whose care all buildings and military equipments, &c., are to be placed.

Misapplication of same, how punished.

Abuse of arms, &c., how punished.

Penalty for buying militia arms.

same, be privileged from arrest in like manner as witnesses attending the Supreme Court are privileged; and if any such witness shall be unduly arrested, he shall be discharged by the Court out of which the writ or process shall issue; and if any such Court be not then sitting, then by any Judge of such Court, upon its being made to appear to such Court or Judge, by affidavit, that such witness was arrested in going to, or returning from, or attending on such Court Martial; and all witnesses so summoned who shall not attend on such Courts Martial shall be liable to be punished by such Court in like manner as if such witness had neglected to attend on a trial in any criminal proceeding in the Supreme Court.

XXVII. That no sentence of a General or Regimental Court Martial shall be carried into execution until after the report of the whole proceedings shall have been made to the President, and his directions received thereon.

XXVIII. That a record of the proceedings of every such General Court Martial shall be made and kept by the Judge Advocate or his deputy, and be open to the perusal and inspection of the officers of Militia; and a similar record shall be made by the Clerk of every Regimental Court Martial, subject to the perusal and inspection as aforesaid, the same to be kept by the adjutant.

XXIX. That all buildings provided for the use of the Militia; and all military equipments, provisions, or stores for the use of the same, shall be under the care and inspection of some person or persons appointed by the President for that purpose. And such person or persons who shall embezzle any money, or fraudulently misapply, or damage any military equipments, provisions, or stores belonging to the Militia force, or be concerned in, or connive at such embezzlement, fraudulent misapplication or damage, may be tried for the same by a General Court Martial, which may adjudge any such offender to be cashiered, and to suffer such other punishment as such Court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained, which shall be ascertained by such Court Martial; and the loss and damage so ascertained shall be recovered in manner hereinafter directed.

XXX. That any non-commissioned officer or private of the Militia who shall embezzle, misuse, injure, or negligently lose, or who shall wilfully suffer to be misused or injured any military equipments furnished to him, or shall carry away, or suffer to be carried away from the island on which he may be enrolled, any such military equipments, except in obedience to lawful orders to that effect, he shall be liable to pay treble the original cost of the article or articles so misused or injured, lost, or carried away, as aforesaid, to be recovered, with costs, before any Magistrate in a summary way; and any person who shall buy any such military equipments; knowing the same to be such, either at public or private sale, shall forfeit the sum of ten pounds, to be recovered with costs, in manner hereinafter directed; and any person with whom any such military equipments may be deposited for sale is hereby required to deliver the same to the proper person authorized to take charge of such military equipments, otherwise he shall be deemed to be the purchaser thereof; and it shall be the duty of the person having charge of the military equipments as

aforesaid, to cause all offenders in the premises to be proceeded against in manner aforesaid.

XXXI. That it shall not be lawful for any person liable to do duty in the Militia, to whom military equipments appertaining to the said Militia shall have been issued, to leave this colony without having delivered up all such military equipments to the proper person authorized to receive the same, under a penalty of five pounds, to be recovered before a Magistrate in a same manner; and it shall be the duty of such person, on the receipt of such military equipments, to give a certificate of such delivery.

XXXII. That any person summoned and absenting himself from any general parade, muster, review, company muster, drill, or patrolling party; if an officer, for the first offence, shall be fined Five pounds, and for and any subsequent offence, shall either be liable to a similar fine, or shall be brought to a General Court Martial, and suffer such punishment by fine, not exceeding Twenty pounds, as such Court Martial shall inflict; and any non-commissioned officer, or private, absenting himself as aforesaid, shall for the first offence be fined Five shillings; and for any subsequent offence shall be liable to a fine not exceeding One pound, or to suffer such punishment as a Regimental Court Martial shall inflict, not exceeding Twelve pounds, or imprisonment not exceeding one month; and any such defaulter, if not excused within forty-eight hours after such default committed, shall be reported in writing to the quarter and muster master, by the captain or other officer commanding the company to which such defaulter shall belong: whereupon the said quarter and muster master shall prepare a warrant to be countersigned by the senior officer in command, directed to the regimental marshal or his deputy, to levy the fine aforesaid with Six shillings costs (two shillings for the quarter and muster master, and four shillings for the regimental marshal or his deputy), of the goods of such defaulter; and if the goods found are not sufficient, to commit him to some lawful place of confinement for the space of one calendar month, unless the said fine and costs be sooner paid; and no such fine as aforesaid shall be remitted, wholly or in part, but on application to the President, or to the officer commanding the militia, either of whom may lawfully remit the same, wholly or in part; and all such fines shall be collected by the said quarter and muster master: and every non-commissioned officer or private appearing on duty not dressed in the uniform of the company to which he belongs, or whose arms or accoutrements shall not be found in proper order, shall forfeit a sum not exceeding Ten shillings; to be imposed and levied by warrant under the hand and seal of the officer commanding at such general muster, parade, review, company muster, drill, patrolling party, or other duty, and addressed to the regimental marshal or his deputy for execution.

XXXIII. That it shall be the duty of the corporals of the several companies to summon the men belonging to their respective companies to attend all general musters, drills, patrolling parties, or other duty; and any corporal neglecting to summon any man upon his muster roll, shall be subject to the same fine as such man would have been subject to if he had been duly summoned and had made default in attending; which fine shall be recovered as other fines from defaulters: Provided always that nothing herein contained shall extend, or be construed to extend, to prevent any officer,

No. 1.
Ord. No. 4,
1854.

Militia men
not to leave
the Colony
without
delivering up
arms, &c.

Fine for
absence of
parades, &c.

How to be
enforced.

Corporals to
summon men.

No. 1.
Ord. No. 4,
1854.

or non-commissioned officer, or any private acting under the orders of any officer or non-commissioned officer from summoning the men of the company to which such officer or non-commissioned officer shall belong, to attend any such parade, general muster, review, drill, company muster, or patrolling party; or to perform such other duty as aforesaid.

Fees of Regimental Marshal.

XXXIV. That the regimental marshal, or his deputy, shall be entitled to have and receive the same costs for the service and execution of warrants as are herein allowed to him in cases of warrants against defaulters.

When necessary, the President may order out the Militia.

XXXV. That in case of invasion, or insurrection, or riot, or any apprehension thereof, it shall be lawful for the President, by and with the consent of the Executive Council, to order out the whole militia, or such part as shall be deemed requisite to perform military duty at any island or district within this government, and for such length of time as the said President in Council shall think necessary, anything hereinbefore contained to the contrary notwithstanding; and during such service, the officers, non-commissioned officers, and privates shall be provided with such rations and allowances (pay excepted) as are given to Her Majesty's troops of the same rank; the expense of which shall be paid out of the Public Treasury by warrant in the usual manner.

Rations allowed.

Refreshments allowed.

XXXVI. That it shall be lawful for the officer commanding any party during such invasion, or insurrection, or riot, or any apprehension thereof, and who shall be ordered on any particular service, to procure refreshments for the same, at a rate not exceeding two shillings per diem for each man; and to impress such carts, horses, or mules as may be necessary for dragging cannon and carrying baggage, ammunition, or stores or the like when upon any march; giving certificates therefor to the persons of whom the same may be received; and the President is hereby authorized, by and with the consent of the Executive Council, to issue his warrant on the Public Treasury for the payment of the same.

Horses, &c., &c. may be impressed.

Expense how defrayed.

Maintenance of wounded men.

XXXVII. That any indigent non-commissioned officer or private, who shall be wounded or disabled in defence of the colony, shall be maintained at the public expense, so long as he shall continue disabled.

How Militia officers are to serve with Regulars.

XXXVIII. That no commissioned officer of the militia shall, under any circumstances, be compellable to serve in conjunction with any part of the regular land or sea force of Her Majesty, unless the said militia officer shall be allowed to take rank immediately after the officers of the regular army of the same grade, and, above all, officers of an inferior grade; with the exception only, that when the commanding officer of the regular force within this government shall be of the rank of a field-officer, the whole of the militia or any detachment thereof while acting in conjunction with the regular troops shall be under his orders; the superior rank of any militia officer employed in such service to the contrary notwithstanding.

Militia rules in force.

XXXIX. That all other matters which relate to the discipline of the militia, the rank of officers, and the proceedings of Courts Martial, shall be regulated as nearly as may be according to the rules and discipline of the British army.

Misconduct how punished.

XL. That all violations of this Ordinance, all scandalous conduct in officers of militia, and all offences to the prejudice of order

and discipline, whether in officers, non-commissioned officers, or privates, shall be taken cognizance of and punished by sentence of a general or Regimental Court Martial according to the nature and degree of the offence, and, as nearly as may be, according to the articles of war; provided, however, that in no case shall it be lawful for any such Court Martial to sentence to corporal punishment.

No. 1.
Ord. No. 4,
1854.

XLII. That all fines, penalties, and forfeitures incurred by the sentence of a General or Regimental Court Martial shall be recovered and levied by warrant under the hand and seal of the President of the Court Martial by which the offence was tried; and such warrant shall be directed to the Regimental Marshal or his lawful deputy, who is hereby authorized and required to levy the same, together with the charges of such warrant by distress and sale of the offender's goods; and for want of sufficient goods, to commit him to the common gaol, there to remain for the space of one month, unless such fine or forfeiture, together with all lawful charges, shall be sooner paid.

Fines, &c.,
how levied.

XLIII. That in order to provide the requisite funds for the payment of the militia, the furnishing of provisions and other necessities when on actual service, and for defraying the several expenses to be incurred by the public according to the several provisions of this Ordinance, it shall be lawful for the President, with the consent of the Executive Council, to issue his warrants on the Public Treasury of these islands in favour of such persons as shall be entitled to receive the same; and every officer, or other person concerned in the expenditure or application of moneys to be drawn out of the Public Treasury of these islands for the Militia service, who shall be guilty therein of any fraud, falsehood, embezzlement, or wilful waste, or intentional misapplication of such funds or other property intrusted to his care in this behalf, shall, besides being deprived of his situation, be sentenced to indemnify the public or individual injured, as the case may be, threefold the amount of the funds or value of the property so embezzled, wasted, or misapplied as aforesaid; and in all such matters, Courts Martial, general or regimental, as the case may require, specially appointed and commissioned for that purpose, shall have full authority and jurisdiction to proceed therein in a summary way; and the forfeitures to be incurred, as last aforesaid, shall be levied in the same manner as is hereinbefore provided for the recovery of all fines and forfeitures by sentence of Courts Martial; and all fines, penalties, and forfeitures imposed and levied by virtue of this Ordinance, and not otherwise appropriated, shall be reserved for the use of Her Majesty, her heirs, and successors, and be applied towards defraying the expenses of the government of this colony.

Militia funds,
how furnished.

Penalty for
misapplication
of funds.

Fines, &c., how
appropriated.

XLIV. That every medical practitioner receiving any colonial stipend or remuneration shall be liable to be called upon by the officer commanding the said militia, or any company thereof, to inspect and report in writing, without charge on the case of any person claiming exemption from militia duty, drills, or parade, by reason of any alleged disease or ill health.

Exemptions
from disease
or ill health,
how obtained.

XLV. That all summonses directed by this Ordinance to be given, may be given either verbally or in writing, and if in writing, may be left at the usual place of abode of the party summoned, with any person there found; or affixed to the door, or on some other part, either inside or outside of the house in which such

How sum-
monses to be
delivered.

No. 1.
Ord. No. 4,
1854.

The President
may remit
fines, &c.

Persons sued
may plead the
general issue.

Bahama Acts
repealed.

party shall usually reside; and in any proceeding for non-obedience to any such summons, it shall be sufficient for the party complainant to prove the service of such summons in one or other of the ways aforesaid, and the burthen of all other proof shall lie in the party defendant.

XLV. That the President shall be, and he is hereby empowered at his discretion to remit the whole or any portion of any fine, penalty, or forfeiture incurred under the provisions of this Ordinance.

XLVI. That the several provisions throughout this Ordinance shall be taken and construed to apply as well to any volunteer corps embodied under it, as to any Militia force which may be raised by ballot.

XLVII. That if any person shall be sued for anything done by virtue of this Ordinance, it shall be lawful for such person to plead the general issue and give this Ordinance and the special matter in evidence; and if judgment be given for the defendant, or the plaintiff be nonsuited, or his suit be discontinued or abated, such defendant shall be entitled to double costs.

XLVIII. That after the allowance of this Ordinance, the following Acts of the General Assembly of the Bahama Islands relating to the militia, to wit:—3 Vic. ch. 5, and 8 Vic. ch. 33, shall be and the same are hereby repealed.

XLIX. Defines the meaning of the word "President."

No. 2.
Ord. No. 5,
1859.

No. 2.—ORDINANCE No. 5 of 1859.

An Ordinance to authorize the Enrolment of a Volunteer Rifle Corps within these Islands. (Passed Dec. 8th, 1859. Confirmed August 2nd, 1860.)

PREAMBLE.

President to be
Colonel of the
Volunteer Corps.
Enrolment of 4
companies, not
more than 50
each, authorized.
2 Grand Turk.
1 Salt Cay.
1 East Caicos.

President to
grant commis-
sions.

Companies to
make rules,
subject to the
confirmation
of the Presi-
dent.

WHEREAS a Volunteer Rifle Corps, known as the Turks Islands Royal Volunteers, has lately been enrolled within these islands, and it is expedient that the enrolment of the said corps should be duly authorized and regulated by law; May it, &c.,

I. That the President of these islands, for the time being, shall be the colonel of the said Volunteer Rifle Corps.

II. That it shall be lawful for the said President to permit the enrolment of four companies of volunteers, two at Grand Turk, one at Salt Cay, and one at East Caicos; each company to consist of such a number of rank and file, not exceeding fifty, as he may deem proper.

III. That it shall be lawful for the President to grant commissions (provisionally until Her Majesty's pleasure be known) to the officers of the said corps who may, from time to time, be selected according to the rules of the corps.

IV. That the two companies of Volunteers at Grand Turk, jointly, and each of the other companies of the said Volunteer Rifle Corps, severally, shall, from time to time, make rules and regulations (and also alter and amend the same for their government) which rules and amended rules shall be subject to the confirmation of the President and Executive Council, and such rules and regulations so approved of shall, to all intents and purposes, bind and

govern such companies respectively of the said Volunteer Rifle Corps as if the same were set forth in this Ordinance.

V. That all the rules and regulations, elections and appointments, made or to be made by the said Volunteer Rifle Corps, prior to the time when this Ordinance shall be in force, shall be, and the same hereby are declared to be as good and valid in law as though the same had been made subsequent to this enactment.

VI. That any person who shall volunteer and be elected as a member of the said Volunteer Rifle Corps shall be exempt from serving in the Militia of these islands during the period he shall serve as a Volunteer.

VII. That any officer, non-commissioned officer, or private of the said corps, who shall appear under arms, except in obedience to any order from his superior officer, shall be liable to a fine of one pound for every offence.

VIII. That for the trial of all offences that may be committed against this Ordinance, and which are not otherwise herein provided for, it shall and may be lawful for the President to order a Court Martial, when necessary, and such Court Martial shall consist of not less than three members, and the decision of such Court Martial shall be by a majority of votes: Provided that when a commissioned officer of the said corps is to be tried, such Court Martial shall be composed of commissioned officers of the corps: when a non-commissioned officer of the said corps is to be tried, one or more of the members of such Court shall be a non-commissioned officer of the said corps: and whenever a private of the corps is so to be tried, one or more of the members of the Court shall be a private of the said corps: and every person so appointed, who shall neglect, refuse, or omit to attend such Court Martial, shall forfeit, for every such offence, a fine not exceeding ten pounds; and every person so to be tried by a Court Martial shall have not less than three days' notice, in writing, as well of the charge or charges to be preferred against him, as of the time and place of trial; and if any person so notified shall not appear, or send a satisfactory excuse for his absence, or if evidence be given of his secreting or keeping himself out of the way, to avoid the service of such notice, he shall stand convicted of the offence in such notice expressed, and shall incur such penalty as the Court would have adjudged, had he been regularly tried and convicted.

IX. That when the Volunteer Rifle Corps shall be serving in conjunction with the Militia force of these islands between officers of equal rank of the said forces, the officers of the Volunteer Rifle Corps shall take precedence, and have the command of any Militia and Volunteer force in the field.

X. That in case of invasion, or insurrection, or riot, or any apprehension thereof, it shall be lawful for the President to order out the whole corps, or such part as shall be deemed requisite to perform military duty, for such length of time as the said President shall think necessary; provided, however, that no member of the said corps shall be required in the performance of any military duty to go out of the island or district for which he has enrolled himself, except by his own consent.

XI. That it shall be lawful for the officer commanding any party during such invasion, or insurrection, or riot, or any apprehension thereof, and who shall be ordered on any particular service, to

No. 2.
Ord. No. 5,
1859.

Volunteers
exempt from
Militia service.

No person to
appear under
arms except by
order.

Courts Mar-
tial to be ap-
pointed by the
President.

How to be
constituted.

Penalty for
refusing to at-
tend same.

Persons to be
tried to have
notice of same,

and how to be
dealt with for
non-appearance.

When neces-
sary, the Presi-
dent may order
out the Volun-
teers.

Refreshments
allowed.

No. 2.
Ord. No. 5,
1859.

Horses, &c.,
may be im-
pressed.
Expenses how
defrayed.

procure refreshments for the same at a rate not exceeding four shillings per diem for each man; and to impress such carts, horses, or mules, as may be necessary for dragging cannon and carrying baggage, ammunition, or stores, or the like, when upon any march, giving certificates therefor to the persons of whom the same may be received, and the President is hereby authorized, by and with the consent of the Executive Council, to issue his warrant on the Public Treasury for the payment of the same.

XII. That the sum granted in the Appropriation Ordinance for the year 1860, for allowances and other contingent Militia purposes, shall be available for the contingent expenses of the said Volunteer Rifle Corps.

Persons to in-
struct officers
and men to be
provided at
public expense.

XIII. That it shall be lawful for the President to procure at the public expense, non-commissioned officers from the army, or some persons who shall have served in the army, to instruct the officers and men of the said corps in their exercise; and the President is hereby authorized, by warrant under his hand, to draw from the Public Treasury, from such sums of money as may be from time to time granted by the Legislative Council for military expenses, such sums of money for the above-mentioned purpose as he may consider sufficient.

Prizes to be
awarded to
best marksmen.

XIV. That to encourage the Volunteer Rifle Corps to become good marksmen, some day in every year shall be appointed by the President for them to fire at a target, on which day prizes, to be previously settled by the President in Executive Council, shall be awarded to a certain number of the best shots, the costs of such prizes to be paid out of any moneys granted for military purposes, by warrant, in the usual manner.

Persons resist-
ing or imped-
ing men of
Royal Volun-
teer Corps,
how dealt with.

XV. That if any person shall abuse, resist, impede or assault, or shall aid or incite any other person to abuse, resist, impede or assault any officer or private of the said Volunteer Rifle Corps of these islands whilst on duty, every such offender being thereof convicted before the police or acting Police Magistrate at Grand Turk, or before the Assistant Police Magistrate at either Salt Cay or Cockburn Harbour, shall, in the discretion of the convicting Justice, be fined in any sum not exceeding Five pounds, or in default of payment, be committed to the common gaol for the island or district in which such offence was committed, with or without hard labour, for any period not exceeding three months.

Fines, how
recovered.

XVI. That all fines, penalties, and forfeitures, incurred under the rules of the said corps or under this Ordinance (except when imposed by sentence of a Court Martial), shall be levied by warrant under the hand of the quartermaster, and countersigned by the commanding officer of the day; and all such fines, penalties, and forfeitures, when imposed by sentence of a Court Martial, shall be levied under the hand of the President of the Court, and all such warrants shall be directed to the Regimental Marshal or his lawful deputy, who is hereby authorized and required to levy the same, by distress and sale of the offender's goods; and for want of sufficient goods, to commit him to the common gaol, there to remain for the space of one month, unless such fine or forfeiture shall be sooner paid; and all fines, penalties, and forfeitures imposed and levied by virtue of this Ordinance, and not otherwise appropriated, shall be reserved for the use of Her Majesty, her

How appro-
priated.

heirs, and successors, and be applied towards defraying the expenses of the government of this colony.

XVII. That if at any time it shall be deemed expedient to change the title of the said corps, it shall be lawful for the said corps to change the same, subject to the confirmation of the President: and notwithstanding such change, all and singular the rules, regulations, and enactments respecting the said corps, shall be held and taken to apply to such corps by whatever name it may be called.

XVIII. That the following clauses of Ordinance No. 4 of 1854, entitled "An Ordinance to consolidate and amend the Laws now in force relating to the Militia," namely, the 4, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 37, 39, 40, 44, 45, and 47, shall be, and the same hereby are declared to apply to the said Volunteer Rifle Corps, and to have the same force and effect as regards the said Volunteer Rifle Corps, except so far as the same, or any of them, shall be inconsistent with the provisions of this Ordinance, as though the provisions of the said several clauses were contained in this Ordinance; and throughout the clauses above enumerated, wherever the word "Militia" shall occur, it shall be deemed for the purposes of this Ordinance to apply to, and to mean the said Volunteer Rifle Corps, and whenever the words General or Regimental Court Martial shall occur, the same shall be held to apply to any Court Martial established under this Ordinance.

XIX. Defines the meaning of the word "President."

No. 2.
Ord. No. 5,
1859.

Title of Volunteer Corps may be changed by the Corps.

Clauses of Militia Ordinance, No. 4 of 1854, to apply to Volunteer Corps.

Meaning of the word President.

The following clauses of Ordinance No. 4 of 1854, to consolidate and amend the Laws now in force relating to the Militia, are, by the 18th Section of Ordinance No. 5 of 1859, declared to be in force and apply to the Turks Islands Volunteer Rifle Corps, as though the provisions of the said several clauses were contained in the said last-recited Ordinance, to authorize the enrolment of a Volunteer Rifle Corps within these islands, viz. :—

IV. That on the demise of the Crown it shall not be necessary for any officer in the said Militia to renew any commission; but all such commissions shall nevertheless continue in full force.

XIX. That it shall be lawful for the President from time to time to regulate by general order the number of general musters or reviews, company musters or drills, and other duties to be performed by the said Militia; as also all matters relating to the internal economy of the said Militia; and that, except when otherwise directed by the said President, no greater number than twelve private drills shall take place in any one year, and no greater number than two private drills in any one month.

XXIII. That all General and other Courts Martial constituted by this Ordinance shall have authority, and they are hereby required to administer an oath to every witness examined at the trial of any offences which may be brought before them; and any person taking a false oath, or procuring or suborning any other witness or person so to do, shall be liable to have an information filed against him in the Supreme Court of these islands, and upon conviction, shall suffer the like pains and penalties as by law are inflicted upon persons guilty of perjury or subornation of perjury.

Clauses of Ord. No. 5, 1859, which apply to Rifle Corps.

Commissions to continue in full force notwithstanding demise of the Crown. Musters, &c., regulated.

Courts authorized to administer oaths.

No. 2.
Clauses of
Ord. No. 5,
1859,
which apply to
Rifle Corps.

Form of oaths.

XXIV. That in all trials by General or other Courts Martial to be held by virtue of this Ordinance, every member assisting at such trial, before any proceedings be had thereon, shall take the following oaths before the Judge Advocate or his Deputy, or (in Regimental Courts Martial) before the clerk appointed by the President of the said Court, who are respectively authorized to administer the same, that is to say: "You shall well and truly try and determine according to evidence in the matter now before you.

"SO HELP YOUR GOD."

"I, A. B., do swear that I will duly administer justice according to Ordinance No. 4 of 1854, entitled 'An Ordinance to consolidate and amend the Laws now in force relating to the Militia,' without partiality, favour, or affection: and if any doubts shall arise which are not explained by the said Ordinance, according to my conscience, the best of my understanding and the customs of war in like cases. And I further swear, that I will not divulge the sentence of the Court until it shall be approved of by the President, or other officer duly authorized; neither will I upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law,

"SO HELP ME GOD."

And as soon as the said oaths shall have been administered to the respective members, the President of the Court is hereby authorized and required to administer to the Judge Advocate or the person officiating as clerk, an oath in the following words:—

"I, A. B., do swear that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court Martial in due course of law,

"SO HELP ME GOD."

Punishment for
misbehaviour.

XXV. That no person whatsoever shall use any menacing or disrespectful words, signs, or gestures in the presence of any Court Martial when sitting, or shall cause any riot or disorder, so as to interrupt their proceedings, on pain of imprisonment, at the discretion of such Court Martial for any period not exceeding ten days.

Witnesses free
from arrest.

XXVI. That all witnesses duly summoned by the Judge Advocate or person officiating as such, shall during their necessary attendance on such Courts, and in going to and returning from the same, be privileged from arrest, in like manner as witnesses attending the Supreme Court are privileged; and if any such witness shall be unduly arrested, he shall be discharged by the Court out of which the writ or process shall issue; and if any such Court be not then sitting, then by any Judge of such Court upon its being made to appear to such Court or Judge by affidavit, that such witness was arrested in going to, or returning from, or attending on such Court Martial; and all witnesses so summoned who shall not attend on such Courts Marshal shall be liable to be punished by such Court in like manner as if such witness had neglected to attend on a trial in any criminal proceeding in the Supreme Court.

Neglect of at-
tendance, how
punished.

XXVII. That no sentence of a General or Regimental Court Martial shall be carried into execution, until after the report of the whole proceedings shall have been made to the President, and his directions received thereon.

XXVIII. That a record of the proceedings of every such General Court Martial shall be made and kept by the Judge Advocate, or his deputy, and be open to the perusal and inspection of the officers of Militia; and a similar record shall be made by the clerk of every Regimental Court Martial, subject to the perusal and inspection as aforesaid, the same to be kept by the adjutant.

XXIX. That all buildings provided for the use of the Militia, and all military equipments, provisions, or stores for the use of the same, shall be under the care and inspection of some person or persons appointed by the President for that purpose. And such person or persons who shall embezzle any money or fraudulently misapply or damage any military equipments, provisions, or stores, belonging to the Militia force, or be concerned in, or connive at such embezzlement, fraudulent misapplication or damage, may be tried for the same by a General Court Martial, which may adjudge any such offender to be cashiered, and to suffer such other punishment as such Court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good, at his own expense, the loss and damage sustained, which shall be ascertained by such Court Martial; and the loss and damage so ascertained shall be recovered in manner hereinafter directed.

XXX. That any non-commissioned officer or private of the Militia who shall embezzle, misuse, injure, or negligently lose, or who shall wilfully suffer to be misused or injured, any military equipments furnished to him, or shall carry away, or suffer to be carried away, from the island on which he may be enrolled, any such military equipments, except in obedience to lawful orders to that effect, he shall be liable to pay treble the original cost of the article or articles so misused or injured, lost, or carried away, as aforesaid, to be recovered, with costs, before any magistrate in a summary way; and any person who shall buy any such military equipments, knowing the same to be such, either at public or private sale, shall forfeit the sum of ten pounds, to be recovered with costs in manner hereinafter directed; and any person with whom any such military equipments may be deposited for sale is hereby required to deliver the same to the proper person authorized to take charge of such military equipments, otherwise he shall be deemed to be the purchaser thereof; and it shall be the duty of the person having charge of the military equipments as aforesaid, to cause all offenders in the premises to be proceeded against in manner aforesaid.

XXXI. That it shall not be lawful for any person liable to do duty in the Militia, to whom military equipments appertaining to the said Militia shall have been issued, to leave this colony without having delivered up all such military equipments to the proper person authorized to receive the same, under a penalty of five pounds, to be recovered before a magistrate in a same manner; and it shall be the duty of such person, on the receipt of such military equipments, to give a certificate of such delivery.

XXXIII. That it shall be the duty of the corporals of the

No. 2.
Clauses of
Ord. No. 5,
1859,

which apply to
Rifle Corps.

Record of pro-
ceedings to be
kept.

Under whose
care all build-
ings and mili-
tary equip-
ments, &c., are
to be placed.

Misapplication
of same, how
punished.

Abuse of arms,
&c., how pun-
ished.

Penalty for
buying militia
arms.

Militia men
not to leave
the Colony
without de-
livering up
arms, &c.

No. 2.
Clauses of
Ord. No. 5,
1859,
which apply to
Rifle Corps.

Corporals to
summon men.

Maintenance
of wounded
men.

Militia rules
in force.

Misconduct,
how punished.

How sum-
monses to be
delivered.

The President
may remit
fines, &c.

Persons sued
may plead the
general issue.

several companies to summon the men belonging to their respective companies to attend all general musters, drills, patrolling parties, or other duty; and any corporal neglecting to summon any man upon his muster-roll, shall be subject to the same fine as such man would have been subject to if he had been duly summoned and had made default in attending; which fine shall be recovered as other fines from defaulters: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any officer, or non-commissioned officer, or any private acting under the orders of any officer, or non-commissioned officer, from summoning the men of the company to which such officer, or non-commissioned officer shall belong, to attend any such parade, general muster, review, drill, company muster, or patrolling party; or to perform such other duty as aforesaid.

XXXVII. That any indigent non-commissioned officer or private, who shall be wounded or disabled in defence of the colony, shall be maintained at the public expense, so long as he shall continue disabled.

XXXIX. That all other matters which relate to the discipline of the Militia, the rank of officers, and the proceedings of Courts Martial, shall be regulated, as nearly as may be, according to the rules and discipline of the British army.

XL. That all violations of this Ordinance, all scandalous conduct in officers of Militia, and all offences to the prejudice of order and discipline, whether in officers, non-commissioned officers, or privates, shall be taken cognizance of and punished by sentence of a General or Regimental Court Martial, according to the nature and degree of the offence, and as nearly as may be according to the articles of war; provided, however, that in no case shall it be lawful for any such Court Martial to sentence to corporal punishment.

XLIV. That all summonses directed by this Ordinance to be given, may be given either verbally or in writing, and, if in writing, may be left at the usual place of abode of the party summoned, with any person there found; or affixed to the door, or on some other part, either inside or outside of the house, in which such party shall usually reside; and in any proceeding for non-obedience to any such summons, it shall be sufficient for the party complainant to prove the service of such summons, in one or other of the ways aforesaid, and the burthen of all other proof shall lie in the party defendant.

XLV. That the President shall be, and he is hereby empowered at his discretion to remit the whole or any portion of any fine, penalty, or forfeiture incurred under the provisions of this Ordinance.

XLVII. That if any person shall be sued for anything done by virtue of this Ordinance, it shall be lawful for such person to plead the general issue, and give this Ordinance and the special matter in evidence; and if judgment be given for the defendant, or the plaintiff be nonsuited, or his suit be discontinued or abated, such defendant shall be entitled to double costs.

PART V.

CLASS I.—TITLES TO LAND.

CLASS II.—REGISTRATION OF DEEDS.

CLASS III.—QUIT RENTS.

CLASS IV.—WALLS AND FENCES.

CLASS V.—SALE OF PARSONAGE HOUSE.

CLASS I.

TITLES TO LAND.

No. 1.—ORDINANCE No. 8 of 1855.

An Ordinance for the better assuring Lands, Tenements, and Hereditaments within the said Islands. (Passed 24th Oct. 1855.

Confirmed 14th July, 1856.)

No. 1.
Ord. No. 8,
1855.

WHEREAS an Ordinance No. 6 of 1854, which passed the Legislative Council of these Islands on the seventeenth day of October, one thousand eight hundred and fifty-four, entitled “An Ordinance for the better assuring Lands, Tenements, and Hereditaments within the said Islands,” has been found to contain two sections objectionable in reference to the time allowed for the purposes therein mentioned; and it is expedient that a similar Ordinance should be enacted free from the objections adverted to. And whereas from the period of the first settlement of these islands, the usual tenure of land within the Turks Islands was that of occupancy, under a license from the Chief Magistrate called the King’s Commander; and the majority of the present occupiers of such lands have no fee simple in the same. And whereas many persons having expended large sums of money in the improvements of such lands, and have been permitted by the Crown to continue in undisturbed possession of the same, and have, from time to time, conveyed such land to third parties and their heirs, without having any legal right or title to the same. And whereas, it would remove the many inconveniences and evils which arise from such an uncertain tenure of land, and would tend to increase the value of real estate if the parties occupying lands as aforesaid were enabled to obtain, at a reasonable charge, an indefeasible estate of inheritance in fee simple in such lands and tenements; May it therefore please the Queen’s Most Excellent Majesty that it may be ordained by his Honour James Misick, Esquire, Senior Member of Council, administering the Government of the Turks and Caicos

PREAMBLE.

No. 1.
Ord. No. 8,
1855.

Claimants of
land by oc-
cupancy may
obtain grants
in fee simple.

How grants
are to be
obtained.

Proviso 1.

Petition for
grant to be
filed in the
office of the
Clerk of the
Crown.

Public notice
to be given
thereof.

Caveat may
be filed.

Proviso.

Question of
title to be
adjudicated in
the Supreme
Court.

By Jury.

Islands, and the Legislative Council of the said islands, under the supervision of the Captain-General and Governor-in-Chief in and over the Island of Jamaica; and it is hereby ordained by the authority of the same:

I. That all persons, who, prior to the separation of these islands from the Bahama Government, occupied, or claimed to be the owner by occupancy, of any land within the Turks Islands, or whose claim may be derived from any one so occupying any land at the said period, may, in the manner hereinafter mentioned, apply for a grant in fee simple for the same.

II. That every person desirous of obtaining grants in fee simple for lands so owned or occupied by him as aforesaid, shall file in the office of the Clerk of the Crown a petition in writing according to the form contained in the Schedule to this Ordinance annexed, praying that a grant may be issued to him under the seal of the colony, by which an estate in fee simple in the same may be conveyed to him: Provided always, that all such petitions shall be filed within twelve months from the period of the Proclamation in these islands of the allowance of this Ordinance by Her Majesty.*

III. That upon receipt of such petition, it shall be the duty of the Clerk of the Crown to file the same, and to indorse thereon the date of its receipt, and the said petition to number. And it shall also be the duty of the said Clerk of the Crown to keep a proper book, entitled "Petitions for grants of Land," in which he shall enter the number of each petition in numerical order, the date of its receipt, the name of the petitioner, and a description of the land claimed.

IV. That within thirty days after the filing of such petition, the Clerk of the Crown shall publish, or cause to be published in the Government newspaper of the colony, for three consecutive weeks, a notice of such petition having been filed, describing as in such petition, the land applied for or claimed.

V. That it shall be lawful for the Queen's Advocate, at the instance of the Crown Surveyor on behalf of the Crown, and for any other person in his own behalf, either by himself, his agent, attorney, or counsel, to file in the office of the Clerk of the Crown a caveat against the prayer of the petitioner, stating the grounds thereof: Provided always that in all cases where a caveat is filed, the same shall be entered within twelve months from the date of the first publication of the notice of the petition for such land.

VI. That whenever any caveat shall be filed as aforesaid, the party filing the caveat or the party petitioning for the land may bring the question of title before the Supreme Court of these islands for decision. And either of such parties may cause such question to be decided by giving ten days' notice to the opposite party of his intention so to do. And such parties shall cause the particular grounds of their claims respectively to be set forth in writing; and the same to be filed in the office of the Clerk of the Crown at least seven days before the sitting of the Court. And if after such notice either party shall neglect or refuse to attend at the Court, or to set forth in writing the grounds of his claim, the case may be heard *ex parte*, and be determined according to the merits of such case.

VII. That if in any case a disputed question of fact should

* Proviso 2 is repealed by Ordinance No. 2 of 1856.

arise, the same shall be determined by a jury, to be empanelled for that purpose.

VIII. That the Judge of the said Court shall have full power and authority to summon and compel the attendance before him of all such persons whom the parties aforesaid may require to be summoned for the purpose of giving evidence touching the title to any such land, and all such persons to examine on oath, and also to compel the production of any books, papers, title-deeds, or transfers which they may deem necessary to be produced for the purpose aforesaid; and if any person so examined as aforesaid shall commit wilful and corrupt perjury upon any investigation or trial under this Ordinance, every person so offending shall be deemed guilty of a misdemeanour, and, on conviction thereof, shall suffer such punishment by imprisonment, with or without hard labour, as the Court shall adjudge; provided such imprisonment shall not exceed twelve calendar months.

IX. That the Judge of the said Court shall have power to frame rules and regulations for the more correct and expeditious transaction of the business to be decided by the said Court under this Ordinance; provided that such rules and regulations shall be approved of by the President and the Legislative Council.

X. That if after the expiration of twelve months from such first publication as aforesaid of any petition, no caveat shall be filed as aforesaid, it shall be lawful for the President, upon receipt of a certificate from the Crown Surveyor, that he has received payment of the sum or sums due in respect of any such lands as aforesaid, together with the expenses incident thereto and hereinafter specified, to issue a grant in fee simple under his hand and the seal of the colony for the lands petitioned for.

XI. That for every grant for a lot of land known as a "Town lot," the party receiving such grant shall pay at the rate of four pounds per acre; and for every "Suburban lot," one pound per acre; and for every grant for a lot known as a "Plantation lot," one shilling per acre: Provided always that in all grants made under this Ordinance such reservations for public roads, or footpaths, or other public purposes, shall be made as shall, by the President, by and with the advice and consent of the Executive Council, be deemed proper and expedient. And if such reservation shall be made out of any land to which any valid claim of occupancy can be shown, the same shall be valued by appraisers (one to be appointed by the President on behalf of the Crown, and one to be appointed by the claimant), who may if necessary appoint an umpire, whose decision shall be final; and upon such valuation being paid to the party claiming such land, all title to the same shall forthwith vest in the Crown.

XII. That for the purposes of this Ordinance the Town at Grand Cay shall extend from "Frederick Street" northwardly to "James Street" southwardly, and from East or Pond Street eastwardly to the sea westwardly. The town at Salt Cay shall extend from the "Bluff" or "North Street" northwardly to "Creek" or "South Street" southwardly, and from "Lightbourn Street," "Victoria Street," and "South-well Street" eastwardly to the sea westwardly. And the suburbs of the said towns shall extend from the boundaries of the towns as given herein to the limits fixed by the Government Notice of the third day of Novem-

No. 1.
Ord. No. 8,
1855.

Witnesses may
be summoned.

The Judge to
frame rules,
to be approved
of by the
Legislative
Council.

Grant to be
issued after
12 months'
publication of
petition.

Price of
Town lots.

Suburban lots.
Plantation lots.

Reservations
for public
purposes.

Definition of
Towns and
Suburbs.

No. 1.
Ord. No. 8,
1855.

ber, one thousand eight hundred and fifty-three, under and by virtue of the Ordinance No. 10 of 1852, as follows :—

Grand Turk.—The northern boundary shall be the north boundary line of a lot of land now in the possession of D. B. Bascome, going westwardly to the sea; the eastern boundary shall be the west boundary of the North Creek, including all the buildings west of the Great Salina; the southern boundary shall be the old road leading from the Great Salina to the sea; the western boundary shall be the sea from north to south, within the two boundaries from north to south.

Salt Cay.—The boundaries of Balfour Town shall be limited north by “Bluff” or “North Road,” south by “South Street,” east in a line of “Mathew Road” from “Bluff Road,” to “South Street,” west by the sea-shore.

XIII. That the following sums shall be lawfully demanded by the Crown Surveyor before the issuing of any grant as aforesaid :—

Surveyor's Fees.

	<i>s. d.</i>
Fees payable. For every survey made of town lots or suburban, together with a plat or diagram thereof -	10 0
For every survey made of plantation lots, together with a plat or diagram thereof, per acre -	0 9

Clerk of the Crown's Fees.

	<i>s. d.</i>
Filing, entering, and recording each petition -	2 0
For publishing each notice of petition -	1 0
For certificate that no caveat has been lodged -	1 0

And in every disputed case the fees to the several officers of the Court to be the same as those allowed in the Schedule of Fees annexed to Ordinance No. 9 of 1852, regulating the practice of the Supreme Court.

XIV. That nothing in this Ordinance contained shall be construed to authorize the issuing a grant to any foreigner not duly naturalized.

XV. That whenever the word “President” shall occur in this Ordinance, the same shall be understood to mean the Officer administering the Government for the time being. That whenever the singular number or masculine gender is employed with reference to the parties claiming any land under this Ordinance, the same shall apply also to more persons than one, and to females as well as males.

SCHEDULE

TO WHICH THIS ORDINANCE REFERS.

Turks and Caicos Islands.

day of

18

To HIS HONOUR THE PRESIDENT.

No. 1.
Ord. No. 8,
1855.

The Petition of _____ sheweth, that your petitioner claims a certain piece of land which at the time of the separation of these islands from the Bahama Government was in the occupation of _____ situate at _____ in the (town, or suburbs, or plantation lots, as the case may be—*state the description, number, boundaries of the lot, &c.*) which said land is claimed by your petitioner (*state the grounds of claim*).

Wherefore _____ prays that the said piece of land may be conveyed to _____ in fee simple under and by virtue of the Ordinance No. 8 of 1855.

RULES FOR REGULATING PROCEEDINGS IN CASES OF CONTESTED LAND CLAIMS UNDER ORDINANCE NO. 5 OF 1855.

The claimant is required by the Ordinance to set forth the ground of his claim in his petition: the party entering a caveat is to state his claim in such caveat: to such caveat the petitioner may reply if he thinks fit. If he in his reply introduces new matter, the adverse party may rejoin to such new matter. All which statements must be in writing, and be filed by the parties respectively in the Prothonotary's office, according to section 6; and a copy thereof delivered to the adverse party.

Either party must file his reply to the last preceding statement of the adverse party, and serve a copy thereof, as aforesaid, within seven days after such preceding statement shall have been served on him, and in default thereof, the opposite party may give notice of trial, according to section 6; after which no further statements can be received except by leave of the Court.

All such caveats, replies, and rejoinders shall be marked by the Prothonotary on being filed with a number corresponding to the number of the petition filed in such case: The facts to be proved in each case shall be limited to matters in support or disproof of the statements of such parties respectively, and no additional matter shall be allowed to be adduced in evidence on either side.

Where the facts are referred to a jury, the verdict of such jury shall set forth such facts in the statements of the parties respectively which they consider proven, stating first those alleged on the behalf of the petitioner, and then those of the adverse party. Upon the facts so found the decision of the Court will be given.

The mode of proceeding to procure evidence will be the same as in civil suits in the said Court.

When any party gives notice of intention to bring any case before the Court, he must give ten days' notice to the adverse party before the day appointed for the meeting of the Court, and a similar notice of such intention to the Prothonotary.—Sec. 6.

A list of claims to be heard and decided at any sittings of the Court, together with the statements filed in such cases, must be made out by the Prothonotary and laid before the Judge at least seven days before the meeting of the Court.

No. 1.
Ord. No. 8,
1855.

FORM OF CAVEAT.

Turks and Caicos Islands.

Day of 18

A. B. of hereby opposes the
prayer of the petition of C. D. of for
a grant of the lot described in the petition of the said C. D.,
No. on the ground that (*state ground of caveat*).

Wherefore the said A. B. prays (*as the case may be*).

Confirmed by the Legislative Council,
on the first day of June, 1857. }

No. 2.
Ord. No. 2,
1856.

No. 2.—ORDINANCE No. 2 of 1856.

An Ordinance to amend Ordinance No. 8 of 1855, for the better Assuring Lands, Tenements, and Hereditaments within these Islands.
(Passed 2nd July, 1855. Confirmed 14th July, 1856.)

This Ordinance repeals the second proviso in Ordinance No. 8 of 1855, sect. 2, which was as follows: "Provided nevertheless that whenever any person shall come into the possession of any land so occupied as aforesaid after the period herein allowed for making a claim thereto, such person may, within twelve months after having so come into possession, make application to the President for permission to file a claim in manner herein directed, and such permission may be granted at the discretion of the President.

No. 3.
Ord. No. 8,
1857.

No. 3.—ORDINANCE No. 8 of 1857.

An Ordinance to authorize Aliens to hold Houses, Lands, Salinas, and Salt-ponds under Lease within these Islands. (Passed 17th Oct., 1857. Confirmed 13th Feb., 1858.)

PREAMBLE.

WHEREAS it is expedient that aliens should be permitted to hold houses, lands, salinas, and salt-ponds within these islands, under lease for a term of years; May it, &c.

Aliens may
hold lands,
&c., on lease
not to exceed
21 years.

I. That it shall be lawful for aliens to hold houses, lands, salinas, and salt-ponds situated within these islands, upon lease for a term of years not to exceed twenty-one years, and during such term such aliens, as regards the said houses, lands, salinas, and salt ponds, so leased as aforesaid, shall have and enjoy within these islands all the rights and privileges of naturalized British subjects: Provided that nothing hereinbefore contained shall be construed to prevent a further lease between the parties at the expiration of the said term of twenty-one years of the houses, lands, salinas, and salt-ponds so leased as aforesaid.

Lease may be
extended.

II. And whereas it is expedient that any alien to whom any such lease may have heretofore been made for any houses, lands, salinas, and salt-ponds within these islands should possess the rights and privileges hereinbefore mentioned: Be it further or-

dained, That any alien to whom any such lease may have been made for a term of years not exceeding twenty-one years, shall within these islands possess and enjoy all the privileges of naturalized British subjects, so far as regards such houses, lands, salt-ponds, or salinas so leased as aforesaid.

III. That the provisions hereinbefore contained shall be held and taken not to apply to the salinas and salt-ponds at Turks Islands, nor to permit any alien to purchase salt-ponds or salinas at these islands at any public auction or sale of such salinas or salt-ponds.

No. 3.
Ord. No. 8,
1857.

Ordinance not
to apply to
salt-ponds at
Turks Islands.

No. 4.—ORDINANCE No. 9 of 1857.

An Ordinance to provide for the Improvement of the Spaces in Front of the Towns in the Turks Islands. (Passed 17th Oct., 1857. Confirmed 13th Feb., 1858.)

No. 4.
Ord. No. 9,
1857.

WHEREAS in and by Ordinance No. 8 of 1855, for the better assuring lands, tenements, and hereditaments within these islands, provision is made for deciding disputed claims to land, and it is expedient that further provision be made for putting parties, in whom the rightful title under the said Ordinance is adjudged to be, in possession of such land; May it, &c.

I. That whenever any decision as to the title to land shall have been made according to the Ordinance aforesaid, the party adjudged to be entitled thereto shall be at liberty to sue out a writ of possession in like manner as may be done after judgment in an action of ejectment.

II. And whereas divers persons have put in claims under Ordinance No. 8 of 1855, for certain bay lots having sea boundaries, which said lots have been improved by the erection of piers and abutments, and upon some of which buildings have been erected; and whereas it is expedient that while the parties so claiming as aforesaid should not be disturbed in their possession, provision should at the same time be made for permitting the owners of town lots bounding on Queen Street in the town of Grand Cay, to improve the spaces immediately in front of such lots, under the restrictions hereinafter mentioned; Be it, &c., That all persons who have improved the bay lots hereinbefore referred to, in manner aforesaid, and who have petitioned for grants in fee simple for the same under Ordinance No. 8 of 1855, shall, by virtue of this present Ordinance, be entitled to such grants in fee simple for such lots as aforesaid, upon payment of such fees as may be payable under the said Ordinance No. 8 of 1855: Provided always, that wherever any building shall have been already erected on such bay lots, the proprietors of the same may, from time to time, repair such buildings, but no further or other buildings whatsoever shall at any time be erected on such lots; nor shall any ever be built on those lots hereinbefore referred to where none have yet been erected; and if contrary to the express intent and meaning of this Ordinance any buildings are hereafter erected on any bay lots whatsoever for which under this Ordinance grants in fee simple may or shall be obtained, the owner of the lot on which any building shall be

PREAMBLE.

When any
disputed ques-
tion of title is
settled, the
party succeed-
ing may have
writ of pos-
session.

Provisions
respecting
frontage lots
petitioned for
under Ord. No.
8, 1855.

No other build-
ings to be
erected than
those already
built.

No. 4.
Ord. No. 9,
1857.

Persons claim-
ing such bay
lots to take
under this
Ordinance.

Owners of
town lots
may erect
abutments on
the lots in
front of the
town and
opposite to
the lots in the
front street.

Space opposite
to any road
leading to the
sea may be
built up.
No building
to be erected
on any bay lot.

Title in fee
simple, how
obtained.

Abutments to
be kept in
repair.

This Ordinance
to apply to
Salt Cay.

Grants of
Land from any
Governor of

erected shall be liable to be proceeded against as for a public nuisance, and on conviction, such building shall be removed at the expense of the party offending.

III. That all persons who may have petitioned for grants in fee simple for the bay lots hereinbefore mentioned under Ordinance No. 8 of 1855, shall derive such title under and by virtue of this Ordinance, and of none other, anything contained in the said Ordinance No. 8 of 1855 to the contrary notwithstanding.

IV. And whereas it would much tend to the improvement of the bay of the town at Grand Cay aforesaid, and to the convenience of its inhabitants, if the vacant spaces lying between the front of the town and low-water mark were properly faced with strong and sufficient walls and abutments: Be it further ordained that it shall and may be lawful for the owners of the several town lots in front of the town aforesaid, at any time within five years next after the publication of this Ordinance, to fill up the vacant spaces of ground lying in front of their respective lots, and to erect abutments thereon, and to extend the same to low-water mark, or so much further as such owner may think fit, and to build wharves and to erect shears or cranes for landing goods thereon: Provided that where a road exists, a space of twenty feet shall be left on the east side of such spaces so built up for such public road.

V. That where any road or alley running to the sea may be opposite to any such vacant space, the proprietor of the lots on each side of such road may unite and build in front of such road, but the space in front thereof shall ever remain public property: Provided always that it shall not be lawful to erect any house, out-house, warehouse, storehouse, or shed upon the same, and that if any person shall erect any house, shed, or building whatsoever upon any such abutment, the same may be taken down or removed by the Crown Surveyor, at the expense of the party who may have erected the same.

VI. That it shall be lawful for the Crown Surveyor, and he is hereby authorized and required within three months after any such abutment shall be completed, and at the request of the owner of the lot in front of which the same may be situate, to grant a certificate thereof in writing, which certificate being duly proved and registered in the office of the Registrar of these islands, shall convey to the owner of every such lot a title to the abutment and premises in front of the same in fee simple.

VII. That every person who shall become the proprietor of any abutment, for which titles in fee simple shall have been obtained under this Ordinance, shall be required to keep the same in repair, and if such repair shall be neglected after notice given to such proprietor by the Crown Surveyor of these islands, it shall be lawful for such Crown Surveyor to have such repairs effected at the expense of such proprietor, and the amount expended in such repairs may be recovered by action at law.

VIII. That the several provisions herein shall be applicable to the improvements made or to be made at the island of Salt Cay, by erecting piers or abutments on lots having water boundaries, as much as if the town at the said island had been named in connection with such provision respectively.

IX. And whereas some doubts exist, whether grants of land from any Governor of the Bahamas, which were from time to time

given to divers inhabitants of these islands prior to the separation of the same from the Bahama government are good and valid, and it is expedient that all such doubts should be put at rest: Be it therefore further ordained that all parties holding lands at these islands under any grant from any Governor of the Bahamas dated prior to the separation aforesaid, shall be held and taken to be good and valid to all intents and purposes.

No. 4.
Ord. No. 9,
1857.

the Bahamas
declared to be
valid.



CLASS II.

REGISTRY OF DEEDS, &c.



No. 1.—51 Geo. 3, ch. 15. *An Act to enable Husband and Wife, by Deed, to convey and alien the Plantations, Lands, and Tenements of the Wife, or of the Husband and Wife jointly, situate and being within the Bahama Islands.* (Dec. 28th, 1810.)

Act of G. 3,
c. 15.

WHEREAS it will tend much to the benefit and advantage of the inhabitants of these islands, if husband and wife are enabled and authorized to convey and alien, by deed, the lands, tenements, hereditaments, and real estates whereof the husband and wife may be seized in right of the wife; or whereof the husband and wife may be jointly seized; May it, &c., That from and after the passing of this Act, any deed or deeds, in due form of law, made and executed by the husband and wife, of the plantations, lands, and tenements of the wife, lying and being within the Bahama Islands; or of any plantations, lands, and tenements within the same, whereof the husband and wife were seized in right of the wife; or whereof the husband and wife were jointly seized; and acknowledged before any one of His Majesty's Justices of the Courts of King's Bench and Common Pleas in England and Ireland, or of the Court of Session in Scotland, or the Sheriff depute of any county in Scotland, or of any of the Judges of the Superior Courts in any of His Majesty's colonies or dominions, shall, to all intents and purposes, be as effectual and valid in law, to pass all the estate, right, title, interest, and claim of the party or parties, and of each of them, to such deed or deeds, in, or to all, or any, the plantation or plantations, lands, tenements, hereditaments, and appurtenances, by such deed or deeds granted, conveyed, or made over, or thereby intended to be granted, conveyed, or made over to the person or persons, bargainee or bargainees, grantee or grantees, in the said deed or deeds mentioned, their heirs and assigns for ever; to whom, or to whose use, any estate in such plantation or plantations, lands, tenements, hereditaments, and appurtenances, is by the said deed or deeds limited, bargained, sold, granted, or conveyed, according to the several limitations in the said deed or deeds contained, as if the party or parties to the said deed or deeds from whom the interest moves had levied a fine or fines with proclamations, or suffered a common recovery or recoveries of such plantation or plantations, lands, tenements, hereditaments, and appurtenances in any of His Majesty's Courts of Record at Westminster, or within these islands, and duly executed deeds, leading the uses of such fine or fines, or declaring the uses of such recovery or re-

PREAMBLE.

Conveyances
by Deed by
husband and
wife of lands
of wife valid,
if executed
with certain
formalities.

No. 1.
Act 51 G. 3,
c. 15.

Proviso.

coveries to be to such bargainee or bargainees, grantee or grantees, their heirs and assigns for ever; to whom, or to whose use, such plantation or plantations, lands, tenements, hereditaments, and appurtenances are, by the deed or deeds so to be executed and acknowledged as is above mentioned, limited and conveyed; or that the same and every part thereof had been bargained, sold, conveyed, or set over, by any, the firmest deed or deeds, conveyance or conveyances, assurance or assurances, in the law, that could be advised or devised by council learned therein: Provided always, nevertheless, that the wife, who is a party to any such deed or deeds, be of full age at the time of the execution thereof, and be privately and apart examined before the Judge or Sheriff depute, before whom such deed or deeds is, or are acknowledged; and doth declare that she executed the same freely, voluntarily, and without fear, dread, or compulsion of her said husband: And provided also, that the acknowledgment of the execution of such deed or deeds by the party or parties executing the same, and the examination of the wife, shall be indorsed on such deed or deeds, and subscribed by the Judge or Sheriff depute, before whom they are taken.*

No. 2.
Act 2 G. 4,
c. 32.

No. 2.—2 Geo. 4, ch. 32. *An Act concerning certain Probates of Deeds in the United States of America, and to suspend an Act therein mentioned.* (Jan. 23rd, 1822.)

PREAMBLE.

Conveyances,
&c., by resi-
dents in the
United States
of America
may be re-
corded when
properly certi-
fied.

Such record
to be good
evidence.

WHEREAS it is expedient that deeds executed or witnessed by persons resident in the United States of America should be capable of being proved and recorded without the actual presence in these islands of the persons so having executed or witnessed the same; Be it, &c., That when it shall be duly certified that any conveyance, gift, grant, bargain, sale, assignment, release, mortgage, letter of attorney, or other deed whatsoever, under seal, has been acknowledged by the person or persons who executed the same, or proved by one of the subscribing witnesses thereto, under oath, or by affirmation where the witness is a Quaker, before His Majesty's Consul-General in and for the said United States, or any other Consul or Vice-Consul of His Majesty residing in the said United States, or territories thereunto belonging, or before one of the Judges of the Supreme Court of the said United States, or before the Chief Justice of any one of the said States, or before a notary public duly commissioned, and acting as such in any of the said States or territories thereunto belonging, such conveyance, gift, grant, bargain, sale, assignment, release, mortgage, letter of attorney, or other deed, may lawfully be recorded in the office of the secretary of these islands, upon the production thereof, accompanied with such certificate as aforesaid; and any deed so recorded, or the record thereof, or any copy of the record thereof, certified under the hand of the said secretary or his lawful deputy, shall be allowed and received as evidence in any Court of Law or Equity within these islands, in as full and ample a manner as if the said

* By 5 Wm. 4, c. 24, *ante*, part 2, class 4, No. 4, the Justices of the General Court are authorized to appoint Commissioners on the Out-islands for the better carrying into effect the provisions of this Act.

deed was actually produced and proved in such Courts, by the oath or affirmation of one of the subscribing witnesses to the execution of the same: Provided, however, that when the acknowledgment or proof of any such deed, as aforesaid, shall have been taken before one of the Judges of the Supreme Court of the said United States, or before a Chief Justice of any of the said States, or before a notary public, as aforesaid, no certificate of such acknowledgment or proof shall be valid, so as to entitle the holder of such deed to record the same, as aforesaid, or to use the same in evidence, as aforesaid, unless to such certificate there be annexed a further certificate, from His Majesty's Consul-General for the said United States, or some other Consul or Vice-Consul of His Majesty residing in one of the said United States, or a certificate under the Great Seal of the said United States, or of one of the said States, certifying the said Judge, Chief Justice, or notary public to be such, and that full faith and credit is due to his acts as such; any thing in this Act hereinbefore contained to the contrary notwithstanding.

No. 2.
Act 2 G. 4,
c. 32.

Proviso.

II. That the probate of any last will and testament taken before any officer authorized to take probates of wills in any of the said States, and exemplified under the seal of the State where such probate shall have been taken, shall be, and the same is hereby declared to be as good and effectual in the law as if such probate had been taken before the ordinary of these islands; any law, custom, or usage to the contrary notwithstanding.

Probate of
Wills exempli-
fied under
State Seal, to
be valid.

III. That all conveyances, letters of attorney, or other deeds heretofore recorded in the proper office established by law in these islands, which shall have been executed agreeably to the provisions now pointed out by this Act, shall be valid in law, to all intents and purposes whatever.

Deeds recorded
previous to
this Act to be
valid.

IV. Suspends 36 Geo. 3, ch. 8.

No. 3.—ORDINANCE No. 3 of 1852.

An Ordinance to provide for the Public Registering and Recording of Deeds, Wills, Agreements, and all other Writings within the Turks and Caicos Islands, and for other purposes therein mentioned.
(Passed 23rd July, 1852. Confirmed 23rd Feb., 1853.)

No. 3.
Ord. No. 3,
1852.

WHEREAS it is expedient that the laws now in force for regulating the office of Registrar of Deeds for the Turks and Caicos Islands should be revised and amended; May it, &c.

PREAMBLE.

I. That all deeds and conveyances, gifts, grants, releases, bargains, sales, mortgages, powers of attorney, wills, or other writings whatsoever already made and executed, or which, from and after the allowance of this Ordinance shall be made and executed, of or concerning, or whereby any lands, tenements, or hereditaments, vessels, or other estate may be in any way affected in law or equity, as also any agreement, letter, account, or other writing (except promissory notes or bills of exchange) not under seal may, at the election of the party or parties concerned, be lawfully registered, enrolled, and recorded in such manner as is hereinafter directed and required.

Deeds, &c., to
be registered.

No. 3.
Ord. No. 3,
1852.

Colonial Secretary's office to be the Office of Registrar.
Colonial Secretary to be ex-officio Registrar.

Proof of deeds, &c., before registering, how made.

Probate of Wills, &c., to be registered.

Proof thereof.

Certificate of Registry.

Registrar and his deputies to be sworn.

II. That the public office for the registering and recording such deeds and other papers shall be established and kept at the office of the Colonial Secretary at Grand Turk, and be managed and executed by the said secretary for the time being, who shall be ex-officio registrar of deeds and other writings for the Turks and Caicos Islands, or by his sufficient deputy; and that before any deed, conveyance, or other writing shall be entered, registered, and recorded as aforesaid, the due execution thereof shall be proved before the said registrar or his deputy by the acknowledgment of the party or parties executing the same, or by the oath of one or more subscribing witness or witnesses, or, if such witness or witnesses happen to be of the people called "Quakers," then by the solemn affirmation of such witness or witnesses, and if such witness or witnesses is or are dead, or absent from these islands, then upon proof being made before such registrar or his deputy, of such death or absence, by oath or solemn affirmation as aforesaid, it shall be lawful for such registrar or his deputy to receive proof of the handwriting of such subscribing witness or witnesses, and also of the signature or handwriting of the party or parties executing such deed, conveyance, or other writing by the oath or solemn affirmation of one or more creditable witness or witnesses in manner aforesaid; and upon such proof so made and given, the said registrar shall be authorized to record the deed, conveyance, or writing so proved.

III. And be it further ordained, That whenever any letters testamentary, or letters of administration, shall be granted by the Ordinary of these islands, it shall be the duty of the said Ordinary to have the will of the deceased and probate thereof (*where there is a will*), and the inventory and appraisement of the estate of the deceased recorded in the said office, and the certificate of the said Ordinary indorsed upon any such will, that the same was duly proved before him, and upon any such inventory and appraisement, that the same was duly executed and filed with him, shall be sufficient to authorize the said registrar or his deputy to record the same.

IV. That the said registrar or his deputy shall indorse a certificate on every such deed, conveyance, or other writing, and therein mention the certain day, hour, and time on which such deed is so entered, registered, and recorded, expressing also in what book, page, and number the same is inserted, and that the said registrar or his deputy shall sign the said certificate when so indorsed; which certificate shall be taken and allowed as evidence of such respective registries in all Courts of Record whatsoever within these islands; and that every page of such register books, and every deed, conveyance, and other writing that shall be entered therein shall be numbered, and the day of the month, year, hour, or time of day when the same is registered and recorded, shall be entered in the margins of the said registrar's books, and of the said deed, or conveyance, or other writing; and that the said registrar shall duly enter, register, and record the said deeds, conveyances, or other writings in the same order that they shall respectively come to his hand; and that he shall, before he enters upon the execution of the said office, be sworn before two or more members of the Council of these islands in these words: "You shall truly and faithfully perform and execute the office and duty that is required by Ordinance No. 3 of 1852, in entering, registering, and recording

deeds, conveyances, wills, and other writings within the Turks and Caicos islands so long as you shall continue in the said office :

“SO HELP YOU GOD;” which oath shall be administered in like manner to his deputies, to be by him appointed.

No. 3.
Ord. No. 3,
1852.

Form of oath.

Hours of attendance.

V. That every such registrar shall give due attendance at his office, by himself or deputy, between the hours of ten and three, every day in the week (Sundays and holydays excepted), for the despatch of all business belonging to the said office; and that every such registrar or his deputy, as often as required, shall make search concerning all deeds that are registered as aforesaid, and give copies thereof and certificates under his hand, if required by any person, for which he shall receive a fee, at and after the rate hereinafter specified; and if any such registrar or his deputy shall neglect to perform his or their duty in the execution of the said office, according to the rules and directions in this Ordinance mentioned, or commit, or suffer to be committed, any undue or fraudulent practice in the execution of the said office, and be thereof lawfully convicted, that then such registrar shall pay treble damages, with full costs of suit, to every such person or persons injured thereby, to be recovered by a special action on the case in the Supreme Court of these islands.

VI. That all deeds and conveyances, gifts, grants, releases, bargains, sales, mortgages, powers of attorney, wills, or other writings whatsoever, made and executed by any person or persons residing or being in any part of the United Kingdom of Great Britain and Ireland, or other her Majesty's dominions; or in any foreign state, city, town, or place, and acknowledged, or to be acknowledged by the party or parties executing the same, or proved by one of the subscribing witnesses thereto, under oath or by affirmation, where the witness is a Quaker, before any Mayor or Chief Magistrate of any city, borough, or town corporate in the said United Kingdom or other Her Majesty's dominions, or before any Consul or Vice-Consul of Her Majesty resident in such foreign state, city, town, or place; and if there shall be no Consul or Vice-Consul so resident, then before the Chief Judge, or Magistrate, or Notary Public of such foreign state, city, town, or place, and certified and transmitted under the common seal of such city, borough, or town corporate, or the seal of the office of such Mayor or other Chief Magistrate, or under the seal of such Consul, or Vice-Consul, or of such Chief Judge, or Magistrate, or Notary Public of such foreign state, city, town, or place, may lawfully be recorded by the said registrar or his deputy in the said office upon the production of the same, without any further or other proofs of the execution thereof: Provided, however, that when the acknowledgment or proof of any such deed, conveyance, or other writing as aforesaid shall have been taken before the Chief Judge, Magistrate, or Notary Public of any foreign state, city, town, or place, no certificate of such acknowledgment shall be valid for the purpose aforesaid, unless to the certificate of such Chief Judge, Magistrate, or Notary Public there be annexed a further certificate from one of Her Majesty's Consuls or other representative of the British Government residing within such foreign state, city, town, or place, setting forth that the said Chief Judge, Magistrate, or Notary Public is the holder of such office, and that full faith and credit is due to his acts as such,

Deeds made out of the Colony to be recorded.

Probate thereof

No. 3.
Ord. No. 3,
1852.

Probate of
Wills in foreign
States, &c.

Records of
deeds taken in
evidence.

VII. And be it further ordained, That the probate of any last will and testament taken in any foreign state, city, town, or place, by or before the officer authorized to take the same, and exemplified under the seal of such officer, and certified as directed in the proviso to the last preceding clause, shall be, and the same is hereby declared as good and effectual in law as if such probate had been taken before the Ordinary of these islands.

VIII. That all grants for land or other letters patent under the great seal of the Colony, may lawfully be recorded in the said office by the said registrar or his deputy on production of the same; and that the records of such grants or other letters patent as shall be so recorded, as also of such grants or other letters patent as are already recorded in the said office, or any copy of such records; as also of all conveyances, gifts, grants, releases, bargains, sales, mortgages, powers of attorney, wills, or other deeds whatsoever as are already recorded, or which may be hereafter recorded, shall be allowed and received as evidence in any Court of Law or Equity within these islands in as full and ample a manner as if the original grants or other letters patent under seal as aforesaid were actually produced and shown therein, and as if the original deeds respectively were actually produced and proved therein by the oath or affirmation of the subscribing witness or witnesses to the execution of the same, and that the record of any agreement, letter, account, or other writing, shall have the same force and effect in such Court as aforesaid as the original agreement, letter, account, or writing would have if produced and proved therein: Provided, nevertheless, that the copy of such records as aforesaid, intended to be given in evidence, shall be certified under the hand of the said registrar or his lawful deputy, otherwise it shall not be received in evidence.

Discharge of
mortgages to be
recorded.

IX. That in the case of mortgages, judgments, and recognizances, if a certificate shall be brought to the registrar signed by the mortgagors and mortgagees, plaintiffs and defendants, cognizer and cognizees respectively, their executors, administrators, or assigns, and attested by two witnesses, whereby it shall appear that all moneys due have been paid in discharge thereof, which witness or witnesses shall, upon oath before the said registrar, prove such money to be satisfied, and that they saw such certificate signed, the registrar shall make an entry in the margin of the registrar's books against the enrolment of such mortgage, judgment, or recognizance, that the same was satisfied, and shall file such certificate upon record in the said office, for which he shall receive and be paid the sum of one shilling lawful money of these islands.

Oaths to be
administered by
Registrar.

X. That the said registrar or his deputy shall, and they and each of them is hereby authorized and empowered to administer the oaths or affirmations by this Ordinance required to be made and given previously to the recording of any deed or other writing, and that if any person or persons making or giving such proof upon oath or solemn affirmation before the said Secretary or his deputy shall be wilfully guilty of swearing falsely or making a false affirmation, such person or persons so offending being thereof fully convicted, shall incur the same penalties and forfeitures as by law are provided against persons convicted of wilful and corrupt perjury.

Deputy Registrars may be appointed.

XI. That it shall and may be lawful for the registrar of records, subject to the approval of the officer administering the government, to depute, and, in his place and stead, to appoint, under his hand and

seal, at any of the out-islands of this government, a fit and proper person to prove the execution of deeds, conveyances, gifts, grants, mortgages, releases, bargains, sales, powers of attorney, or other deeds whatsoever made and executed, or to be made and executed at any island within the colony, and in the event of there being no such deputy at any such island, or in the event of the death or absence from any such island of any such deputy, then any resident Justice of the Peace may lawfully act therein, and he and any deputy shall, and they and each of them is hereby enjoined and required to attend to and observe in all respects the provisions, directions, and regulations in this Ordinance contained for the probate of deeds and other writings before the said Secretary or his deputy at Grand Turk; and upon the production of any deed or other writing, proved in manner as last aforesaid, the registrar or his deputy shall record the same, and the record of all such deeds or other writings, or any copy of the records thereof, certified under the hand of the registrar of records or his deputy at Grand Turk, shall be allowed and received in evidence in the same and like manner as is hereinbefore provided with respect to other deeds.

No. 3.
Ord. No. 3,
1852.

XII. That if any person or persons, after having made and executed any conveyance, gift, assignment, grant, release, bargain, sale, or mortgage of any lands, tenements, or hereditaments, or of any goods or other effects within these islands, or of any estate, right, or interest therein, shall afterwards make and execute any other conveyance, gift, assignment, grant, release, bargain, sale, or mortgage of the same real or personal estate, or any part thereof, or of any estate, right or interest therein, such of the said conveyances, gifts, assignments, grants, releases, bargains, sales, or mortgages, the same being for good or valuable consideration, as shall be first recorded in the said office pursuant to the directions of this Ordinance, shall have and take priority or preference, and the estate, right, title, or interest of the vendee, grantee, or mortgagee, claiming under such conveyance, gift, assignment, grant, release, bargain, sale, or mortgage so first recorded, provided the same shall have been executed for good or valuable consideration, and not otherwise, shall be deemed and taken to be good and valid, and shall in nowise be defeated or affected by any such previous conveyance, gift, assignment, grant, release, bargain, sale, or mortgage, so made and executed, but not recorded without any manner or reference whatever to the dates of the execution of such deeds respectively, any law, usage, or custom to the contrary notwithstanding.

Deeds, &c.,
first recorded
to have pre-
ference.

XIII. That if any person shall at any time forge or counterfeit the certificate of the registrar, or the signature of any deputy or Justice of the Peace as aforesaid, with intent thereby to cause the deed or deeds concerning the acknowledgment or proof of which such forgery is committed, to be recorded by the registrar of records for the time being or his deputy in the said office at Grand Turk, or shall forge or counterfeit any certificate or certificates purporting to certify that any such deed or deeds has or have been registered or recorded in the office of the said Colonial Secretary and registrar of records at Grand Turk, such person or persons so offending being fully convicted thereof, shall incur or be liable to such pains and penalties as by Act of Parliament are imposed upon

Penalty for
forging certi-
ficates.

No. 3.
Ord. No. 3,
1852.

Witnesses to
deeds, &c., to
attend when
demanded.

Penalty for
refusing to
attend.

Fees to Regis-
trar.

persons for forging or publishing of false deeds, charters, or writings, sealed Court rolls, or wills, whereby the freehold or inheritance of any person or persons, of, in, or to any lands, tenements, or hereditaments, shall or may be molested, troubled, or charged.

XIV. That all and every person whomsoever being the subscribing witness or witnesses to any conveyance, gift, grant, release, bargain, sale, mortgage, power of attorney, or other deed whatsoever, or to any agreement not under seal, which under this Ordinance may be recorded, shall upon request or demand, personally made or served upon him, her, or them, in writing in the forenoon by any party or parties to such conveyance, gift, grant, release, bargain, sale, mortgage, power of attorney, or other deed, or agreement, or by any person or persons, on his, her, or their behalf attend and wait upon the said registrar or his deputy at the said office, or upon any of his deputies or Justices at the out-islands, and make or give such proof upon oath or affirmation as by this Ordinance is required to be made or given preparatory to the recording thereof; and every such witness who shall neglect or refuse for the space of twenty-four hours after such request or demand so made or served upon him, her, or them, as aforesaid, unless prevented by sickness, disability, or other sufficient cause, to attend the said registrar or his deputy at the office or any of his deputies or Justices at the out-islands for the purpose aforesaid, shall forfeit the sum of Twenty pounds, to be recovered with cost in the Supreme Court of these islands by action of debt or information, wherein no imparlance, protection, or *non vult ulterius prosequi* shall be allowed or entered; one moiety of the said penalty to be to the use of the informer, or to him, her, or them who shall sue for the same, and the other moiety to our Sovereign Lady the Queen, her heirs, and successors, to go in aid of the expenses of this government, and shall moreover be liable to any action which the party or parties aggrieved may think fit to bring in the said Supreme Court against such witness for any damage or injury which such party or parties shall or may sustain, by or in consequence of such neglect or refusal as aforesaid.

XV. That the following fees shall be taken by the said registrar:—

For recording every deed or writing exceeding eight folios	s. d.
at the rate of threepence for every folio of seventy-two words	0 3
„ every deed or writing of and under eight folios each	2 0
„ searching the registrar's books for each document	1 0
„ every certified copy thereof at the rates aforesaid	0 0
„ recording every common plat or diagram	1 0
„ recording an irregular plat or diagram	2 0
„ recording every satisfaction of a mortgage, judgment, &c.	1 0

And that for every acknowledgment, oath, or affirmation which shall or may be made or taken before any deputy, registrar, or Justice of the Peace by virtue of this Ordinance, and for the extending of every such acknowledgment, oath, or affirmation, and for indorsing the same on every deed, and for certifying and signing the same, such deputy, registrar, or Justice of the Peace shall and may lawfully demand, take, and receive the sum of Two shillings and no

more: Provided always, that so soon as a fixed salary shall be provided for and allowed to the Colonial Secretary, all fees payable to him under this Ordinance shall cease to be demanded and received by him, to and for his own use and benefit, but the same shall be by him nevertheless demanded, received, taken, and paid into the Public Treasury of these islands in aid of the expenses of the Government.

No. 3.
Ord. No. 3,
1852.

XVI. That all fees payable for any matter, act or thing to be performed by the said registrar of records under the provisions of this Ordinance, whether for his own use or benefit, or in aid of the expenses of this Government, shall be demandable and payable before the particular act in respect of which such fees are chargeable is performed; and it shall not be lawful for the Colonial Secretary and registrar of records for the time being, or any deputy, or acting secretary or Justice of the Peace to perform, or cause to be performed, any act or service in respect of which any such fee or fees as aforesaid is or are demandable, until the amount of such fee or fees has been paid to him by and on behalf of the person requiring such act to be performed: Provided always that nothing herein contained shall be construed to require the payment of fees on recording grants of land for religious, charitable, or educational purposes.

Fees to be
demanded be-
fore a deed is
registered.

XVII. That after the allowance of this Ordinance, the President or officer administering the Government shall notify a day on which the registrar shall be prepared to receive deeds and other writings under this Ordinance, and that after such notification three months shall be allowed during which all deeds and other writings may be lodged for record in the said office, and all deeds lodged during the said period shall be recorded and take precedence according to their respective dates, and not otherwise: Provided, however, that if two or more deeds or other writings having reference to the same property, whether real or personal, and bearing date upon the same day shall be lodged for record during the said three months, the first of such deeds which shall be so lodged and proven shall take the precedence over the others.

Deeds made
prior to the
allowance of
this Ordinance
may be re-
ceived three
months after.

XVIII. And whereas several deeds and conveyances are already recorded in the Secretary's Office, Be it therefore ordained that such deeds and conveyances as are already entered, registered, or recorded, shall be held, deemed and taken as good and valid, and have the preference over any which may or shall be recorded under this Ordinance: Provided always that nothing in this Ordinance contained shall extend to the precluding or depriving any infant or other person of and from any right, claim, title, and interest which such infant or other person may have under or by virtue of any deed or conveyance, in or to any estate, whether real or personal, and who by reason of non-residence at these islands, or other impediment, without any neglect or default on the part of such infant or other person, may be unable to cause such deed or conveyance to be registered and recorded as is hereinbefore provided.

Deeds recorded
prior to this
Ordinance to
be held valid.

XIX. That it shall and may be lawful for the President or other officer administering the government, and he is hereby authorized and requested to provide a set of books for the office of the said registrar, to be uniformly bound and lettered as may be necessary: the expense of which shall be by him paid out of the Public Treasury of these islands in the usual manner.

Record books
to be furnished.

No. 3.
Ord. No. 8,
1825.

Deeds recorded
in Nassau,
prior to the
separation, to
be held valid.

XX. And be it further ordained that nothing hereinbefore contained shall be construed to prejudice or affect any deed, gift, will, conveyance, grant, release, bargain, sale, mortgage, power of attorney, or other deed or writing whatsoever recorded prior to the separation of these islands from the Bahama government, in the office of the registrar of deeds at Nassau; but that the said deeds, gifts, wills, conveyances, grants, releases, bargains, sales, mortgages, powers of attorney, or other deeds or writings shall be held and taken to be of the same force and effect, and be entitled to the like precedence.

No. 4.
Ord. No. 4,
1859.

No. 4.—ORDINANCE No. 4 of 1859.

To amend an Act of the General Assembly of the Bahama Islands, entitled, "An Act to enable Husband and Wife by deed to alien and convey the Plantations, Lands, and Tenements of the Wife, or of the Husband and Wife jointly, situate and being within the Bahama Islands. (Passed 12th Nov., 1859. Confirmed 5th April, 1860.)

PREAMBLE.

WHEREAS in and by an Act of the General Assembly of the Bahama Islands, made and passed in the fifty-first year of the reign of His Majesty King George the Third, for taking the acknowledgment of married women therein mentioned, (which said Act is in force within these islands by the Act of the Bahama Legislature, 11 Victoria, chapter one) such acknowledgments are required to be taken by a Judge of the Superior Court of any of Her Majesty's colonies; and whereas no provision has been made within these islands for taking such acknowledgments, in cases where the wife of the Judge of the Supreme Court, or the said Judge together with his wife, may alien and convey any such lands and tenements; May it, &c., That in all cases where the wife of the Judge of the Supreme Court of these islands, or the said Judge together with his wife, shall alien and convey any such lands and tenements, in any such case the acknowledgment required by the Act aforesaid shall be taken by and before the Colonial Secretary of the colony for the time being, in the manner by such Act directed; and such acknowledgment, certified under the hand of the said Colonial Secretary, shall be as good and effectual to all intents and purposes as if made before a Judge by virtue of the aforesaid Act of the Bahama Legislature.

CLASS III.

QUIT RENTS.

No. 1.
Act 9 Vic.
c. 10.

No. 1.—9 Vic. ch. 10. *An Act for granting to Her Majesty a certain Annual Income for a limited period, in lieu of Quit Rents, and for providing for the collection or commutation of such Quit Rents. (Assented to 4th March, 1846.)**

PREAMBLE.

WHEREAS your Majesty is entitled to a certain annual revenue within this colony, derivable from lands held by

* This Act is in force only so far as its provisions apply to the Turks and Caicos Islands.

No. 1.
Act 9 Vic.
c. 10.

divers of your Majesty's subjects, under and by virtue of letters patent from time to time, issued under the great seal of the colony, in the names of your Majesty's royal predecessors, whereby such lands were granted to the respective grantees, their heirs and assigns for ever, upon and under the express condition that such grantees, their heirs and assigns, should yield and pay therefor, yearly and every year, unto your Majesty's said royal predecessors, their heirs and successors, a certain annual quit rent in such letters patent respectively mentioned; And whereas such quit rents have remained uncollected since the year 1833, and there is now outstanding and due to your Majesty a large sum of money for and on account of such rents; And whereas your Majesty has been graciously pleased, through His Excellency, George Benvenuto Mathew, Esquire, your Majesty's Governor and Commander-in-Chief of these islands, to declare your royal pleasure to place at the disposal of the legislature the rents now due, as also such as may hereafter grow due in respect of the lands so held by quit rent tenure on the legislature securing to your Majesty, your heirs and successors, a certain annual sum of money for a limited period, to be applied in such manner within the colony as your Majesty, your heirs, and successors shall deem to be most conducive to the general benefit of the colony; May it, &c., That in consideration of your Majesty's being graciously pleased to place the quit rents aforesaid at the absolute disposal of the legislature of the colony, there shall be allowed and paid out of the general revenue funds of the colony, to your Majesty, your heirs and successors, for ten years from the commencement of this Act, the annual sum of three hundred pounds, to be drawn in such amounts and at such times, and to be applied in such manner within the colony as your Majesty, your heirs, and successors shall require and deem most expedient for the general benefit of the colony at large.

£300 per annum for ten years granted to be applied within the Colony.

II. That all quit rents due or to grow due up to the twenty-fourth day of June, in the present year of our Lord one thousand eight hundred and forty-six, on lands within this colony, shall be and the same and every part thereof are hereby remitted, and the respective owners of the said lands are hereby absolved and released from the payment thereof.

Remission of arrears of Quit Rents, except on lots of land in New Providence.

IV. That it shall be lawful for the proprietors of the several tracts and lots of land within these islands, held under and by virtue of the tenure of quit rent as aforesaid, at any time after the commencement of this Act, to commute all rents thereafter to grow due according to the rates of commutation hereinafter specified, that is to say; every tract of land situate on an out-island of the Government of the value of four shillings and twopence, at the rate of twopence per acre; and every tract of land situate on an out-island as aforesaid, and being under the value last mentioned, at the rate of a penny per acre.

Rate at which Quit Rents may be commuted.

V. Provided always, and be it enacted, That all tracts or lots, or parts of tracts and lots belonging to the Crown, or held in trust or otherwise for the use of any department of Her Majesty's service, or for the use of the colony, or of any religious congregation, shall be, and the same are hereby totally exempt and freed from the quit rent tenure, either as relates to arrears or to rents in future, anything contained in the respective letters patent, under and by virtue

Land exempt from Quit Rents.

No. 1.
Act 9 Vic.
c. 10.

Mode of freeing
lands from
Quit Rents
wherever the
same have been
commuted.

Persons in
possession of
lands for the
purposes of
this Act,
deemed the
proprietors
thereof.

Provision
where lands
are mortgaged
or bound by
judgment.

Provision for
annual collec-
tion of uncom-
muted Quit
Rents, and for
enforcing pay-
ments of arrears.

Provision for
payment of
Quit Rents on
lots of land
which have
been par-
titioned.

Mode of com-
puting Quit
Rents on land
in severalty.

of which such tracts, or lots, or parts of tracts and lots were originally granted, to the contrary notwithstanding.

VIII. That upon receipt of the amount of commutation-money payable on every lot or tract of land, or part or parcel of a lot or tract of land, the proper officer receiving the same shall grant to the person paying the same a receipt according to the Form A in the Schedule to this Act contained, and such payment shall, for ever thereafter, free the land in respect of which it was made from the tenure of quit rent, anything contained in the letters patent by which such land was originally granted by the Crown to the contrary notwithstanding.

IX. That for the purposes of this Act, the person or persons in possession of any tract of land, or any parcel of a tract or lot of land, shall be held and deemed to be the proprietor thereof, and be entitled to discharge the quit rents payable under the authority of this Act, as also to commute the future rents chargeable on such land, provided however that any payment of quit rent or commutation money, as aforesaid, shall not vest in the person or persons making the same any other or greater title to the land in respect of which any such payment shall be made, than what such person or persons possessed before the making of such payment.

X. And whereas various lands are held in the colony, subject to mortgages and judgment debts, and it is fair that the mortgagees and judgment creditors should have the power to pay or commute the quit rents chargeable on such lands; Be it enacted, that whosoever any tract or lot of land, or parcel of a tract or lot of land, is subject to a mortgage or mortgages, or judgment debt or debts, and the proprietor of such tract or lot of land shall decline or neglect to pay or commute the quit rents payable in respect of such land, it shall be lawful for any mortgagee or judgment creditor, as aforesaid, to pay or commute such rents, according to the rates before mentioned; and the amount of any such payment shall be added to the mortgage or judgment debt, and shall be and continue a charge on the land in respect of which such payment was made.

XII. That all quit rents to grow due from and after the twenty-fourth day of June, 1846, and which shall not be commuted under the provisions of this Act, shall be collected annually, and all such rents as remain in arrear and unpaid on the first day of October in each year, shall be levied for in the same and the like manner as is hereinbefore directed with respect to arrears of rents due on lots in the Island of New Providence, and all such rents shall have precedence over all other claims and demands whatsoever.

XIII. That wherever a lot or tract of land as originally granted has, since the date of the original grant, been divided into two or more parcels, and held in severalty by different proprietors, it shall be lawful for any one of such proprietors to pay or commute the rents payable on the parcel or parcels owned by him, notwithstanding the neglect or refusal of the other proprietor or proprietors to pay or commute their respective portions of such rents.

XIV. That in all cases where a lot of land is held in severalty, as aforesaid, the portion of quit rent, or commutation of quit rent, payable by each separate proprietor shall be computed according to the comparative value of the respective parcels; and in all cases

where tracts of land are so held, the same shall be computed according to the number of acres comprised in such parcel.

XV. That the comparative value of the respective parcels of any lot held in severalty by different proprietors, as also the value of tracts of land on the out-islands, shall be ascertained by valuers to be appointed by the Surveyor-General, with the right of appeal on the part of any party dissatisfied with any such valuation, to the President in Council, as hereinbefore directed.

XVI. That in all cases where a levy for quit rent in arrear shall be made under the authority of this Act, and there shall not be found sufficient goods and chattels, or where such quit rent being in arrear, no goods or chattels whatever are found to levy on, it shall be the duty of the officer entitled to the receipt thereof to give notice to the owner of the land in question, or, in his absence, to his agent or attorney; or if there be no known agent or attorney, then to publish such notice in one of the public newspapers of the colony of his intention to apply to the Supreme Court to obtain the sale of the said land.

XVII. That it shall be lawful for such officer, and he is hereby required, at the expiration of six weeks from the date of such notice as last aforesaid, to present a petition to the Supreme Court, praying the said Court to order the sale of the land in respect of which such quit rent is in arrear, which petition being presented, in term time to the said Court, it shall be lawful for the said Court, upon being satisfied of the proper service of the said notice, and of the non-payment of the quit rent due on the land mentioned in such notice, to grant an order for the sale of such land, directed to the Provost Marshal of these islands.

XVIII. That upon receipt of any such order as aforesaid, it shall be the duty of the Provost Marshal to advertise the land mentioned in such order for sale in some one of the public newspapers of the colony, for the space of at least thirty days, and upon the day named in such advertisement such land shall be put up at public auction, at an upset price, equal in amount to the rent in arrear, and the amount which would be payable as commutation money in respect of such land, according to the rates before mentioned, as also of the expenses attending the sale, and the said land shall be sold to the highest bidder beyond such upset price; but if there shall be no bid made thereon at such sale, then such land shall be bought in at such upset price, in the name of the Surveyor-General of Lands, in trust, for the use of the colony.

XIX. That upon the sale or buying in as aforesaid of any lot of land so sold as aforesaid, a conveyance shall be executed in favour of the purchaser, or of the Surveyor-General, as the case may be, according to Form B in the Schedule to this Act contained, and such land shall for ever thereafter be held free from the tenure of quit rent, and the rights of all parties previously entitled thereto shall be absolutely barred.

XX. That in all cases where lands are sold under the preceding provisions of this Act, the Provost Marshal shall forthwith pay the amount of such sales, after deducting the expenses attending the same, to the proper officer appointed to receive the same, who shall, after retaining the amount of quit rent due on the land, and an amount or commutation of future rents according to the sale hereinbefore contained, pay the residue into the Public Bank of the colony,

No. 1.
Act 6 Vic.
c. 10.

Comparative value of lots and tracts of land held in severalty; how ascertained.

Notice to be given to proprietor or agent in all cases of levy.

Mode of proceeding to obtain order of Court for sale of land on which Quit Rents are in arrear.

Duty of Provost Marshal on receiving order of General Court.

Conveyance of land sold to be agreeable to Form B in Schedule annexed.

Payment of proceeds of sales by proper officer.

No. 1.
Act 9 Vic.
c. 10.

Mode of obtaining Money lodged in Public Bank under this Act.

Duty of Surveyor-General of land—his fee.

Secretary of the Colony to record receipts and conveyances on payment of usual fees.

Receiver-General to be the proper officer to receive Quit Rents, &c., at the expiration of two years.

Appropriation of moneys.

Penalty on neglect of duty.

to the credit of an account to be opened in the books of the said Bank, under the head of "Unclaimed Proceeds of Sales of Lands;" and all moneys so paid into the said bank shall be at interest at the rate of four-and-a-half per cent. per annum, until claimed and ordered to be paid out in manner hereinafter mentioned.

XXI. That it shall be lawful for any person entitled to any moneys paid into the Public Bank as aforesaid, to apply by petition to the President in Council, who, upon being satisfied of the right of the applicant to the same, shall grant an order on the cashier of the said bank for the payment of the same, and such money, together with all interest due thereon, shall thereupon be forthwith paid in obedience to such order.

XXII. That the Surveyor-General of Lands shall keep in his office a separate book, in which shall be recorded plats of all lands upon which quit rents have been commuted, or which shall have been sold under the provisions of this Act, and he shall be entitled to have and receive for every plat so recorded a fee of Three shillings, which shall be in full of all other fees, except fees payable to a deputy surveyor, when the service of any such deputy surveyor shall be required; and such fee shall be paid by the party commuting the rent, or in case of a sale for non-payment of quit rent, out of the proceeds of the land sold.

XXIII. That the Secretary of the colony shall keep a separate book in his office, properly indexed, for recording all receipts and conveyances made under the authority of his Act; and the parties in whose favour any such receipts are given, or conveyances made, shall be entitled to have the same recorded therein on payment of the usual fees.

XXIV. That for two years next after the commencement of this Act, the Receiver-General of Quit Rents shall be the proper officer for collecting and receiving all moneys payable under the authority of this Act, and for granting receipts and executing conveyances thereunder; and he shall be entitled to charge, on the receipt of all such moneys, a commission of ten *per centum*; after deducting which commission he shall pay the residue quarterly over to the Receiver-General and Treasurer of the colony; and from and after the expiration of the said term of two years, the Receiver-General and Treasurer of the colony shall be the proper officer for receiving and collecting all such moneys, and for granting receipts and executing conveyances as aforesaid.

XXV. That all moneys paid to the Receiver-General and Treasurer of the Colony, under the authority of this Act, shall be appropriated and applied to the support of the Government of the colony, in such manner as may be specially authorized by any Act or Acts of the General Assembly of these islands.

XXVI. That any person who, by the preceding provisions of this Act, is required to do or perform any act, matter, or thing, requisite for effectually carrying out the provisions of this Act, and shall neglect or refuse to perform the same, every such person shall be liable for any such neglect or refusal to forfeit and pay such fine, not exceeding the sum of Fifty pounds, as the Court before whom such person shall be convicted of such neglect or refusal shall, in its discretion, order and direct; all which fines shall be paid into the Public Treasury of these islands, and applied in aid of the support of the Government of the colony.

XXVII. That if any person acting under the authority of this Act shall be sued for anything done in pursuance of this Act, the defendant may plead the general issue, and give this Act and the special matter in evidence under that plea.

XXVIII. That every word in this Act importing the singular number only, shall extend and be applied to several persons and things as well as one person or thing, and bodies corporate as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons and things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

XXIX. That so much of an Act passed in the forty-third year of the reign of King George the Third, entitled, "An Act for the better establishing and collecting Her Majesty's Quit Rents," as regulates the manner in which arrears of quit rents shall be levied for, shall be, and the same is hereby repealed.

XXX. That this Act shall commence and take effect upon Her Majesty's assent thereto being notified in the colony, and not sooner.*

No. 1.
Act 9 Vic.
c. 10.

Repeals 43 G. 3.

SCHEDULE A.

Received from A. B., of the island of _____ Esquire,
£ being in full of commutation of quit rents on
a lot (or tract) of land situate in the island of _____ which
lot (or tract) was originally granted, by letters patent, under the
Great Seal of the colony, bearing date the _____ day of
A.D. _____ to C. D. (or is part of a lot or tract originally
granted, &c.) and has the boundaries following, that is to say: (*here
insert boundaries*) as appears by a plat hereunto annexed, drawn by
the Surveyor-General of Lands, and dated the _____
day of _____ A. D. 18 _____ E. F.
Receiver-General of Quit Rents (or
Receiver-General and Treasurer).

Present, }
G. H. }

SCHEDULE B.

BAHAMA ISLANDS.

This Indenture, made the _____ day of _____ A.D.
18 _____ in pursuance of an Act passed in the ninth year of the
reign of Her Majesty Queen Victoria, entitled (*here insert title
of this Act*), between E. F., Receiver-General of Quit Rents (or
Receiver-General and Treasurer, as the case may be), of the one
part, and G. H., of the island of _____ Esquire (or
Surveyor-General of Lands for the said islands, as the case may be),
of the other part.

Whereas, in and by an order of the Supreme Court of the Turks
and Caicos Islands, made the _____ day of _____ A.D. 18 _____
the land hereinafter mentioned and described, and hereby intended
to be conveyed, was directed to be sold for non-payment of certain
quit rents due thereon; and whereas, in obedience to the said order,
and in conformity with the provisions of the before-mentioned Act of

* Her Majesty's assent was given to this Act by Order in Council, dated 26th September, 1846, and notified in the Colony on the 10th November, 1846.

No. 1.
Act 9 Vic.
c. 10.

Assembly, the said land was, on the day of, last
past, put up at public auction at an upset price of £

And whereas the said *G. H.* bid for the same at such sale the sum of £ and was thereupon declared the highest bidder therefor, or, and whereas there was no bidding at the said sale for the said land beyond the said upset price, now this Indenture witnesseth that the said *E. F.*, by virtue of the power and authority of the said Act of Assembly in him vested, and in consideration of the said sum of £ by the said *G. H.*, well and duly paid, the receipt whereof is hereby acknowledged (*reference to the consideration money to be left out when the conveyance is to the Surveyor-General*), doth convey unto the said *G. H.*, his heirs and assigns, for ever (or if to the Surveyor-General, say to the said *G. H.*, Surveyor-General, as his successors for ever), in trust for the use of the colony, in such manner as may be directed by any Act or Acts of the General Assembly of these islands, free and absolutely discharged from the tenure of quit rents, as also from all other claims and demands whatsoever, either at law or in equity; all (*here insert description of land in the same manner as in the Form A*). In witness whereof the said *E. F.*, Receiver-General of Quit Rents (or Receiver-General and Treasurer, *as the case may be*) hath herewith set his hand and seal the day and year first within written.

Present, *I. J.*

E. F.

CLASS IV.

WALLS AND FENCES.

No. 1.
Act 4 W. 4,
c. 2.

N^o. 1.—4 Wm. 4, ch. 2. *An Act for regulating the Making and Repairing of Division Walls or Fences in the several Islands therein mentioned.* (Nov. 12th, 1833.)

PREAMBLE.

Adjacent proprietors to assist in erecting division walls, &c.

WHEREAS it is necessary that provision should be made for enforcing the making and repairing of division or partition walls or fences; May it, &c., That it shall and may be lawful for the proprietor or proprietors, or any other person in possession, by authority of the proprietor or proprietors of any tract or tracts of land, to require the proprietor or proprietors of any adjacent tract or tracts of land, or his, her, or their tenant, agent, attorney, or other person or persons in possession of the same, to assist in a fair and equitable proportion to make or repair division walls or fences between such tracts of land.

Penalty for refusal.

II. That if any such proprietor or proprietors, or his, her, or their tenant, attorney, or other person or persons in possession, as aforesaid, shall neglect or refuse to comply with such requisition, it shall and may be lawful for any Justice of the Peace for the district, upon application to him made for that purpose, to grant a warrant precept, directed to any three indifferent freeholders of the district, commanding them to view the premises, and to make a report, in writing, to such Justice respecting the property of such wall or fence, and what kind of wall or fence will be most proper for the situation of the premises, or what repairs will be necessary, if there be an old insufficient wall or fence; which report having been made, it shall and may be lawful for the person or persons

who shall have made such requisition and application to proceed under the order of such Justice, in laying out, making or repairing such walls or fences, agreeably to the report of such freeholders; and when the same shall be completed, the same freeholders, or any other indifferent freeholders of the district, shall, in like manner, be summoned to fix the price of the same, and to consider and make a report, in writing, to such Justice, respecting the particular convenience which such wall or fence may be of to the parties respectively; and if the same should be found more advantageous to one party than to the other, then, that such freeholders shall apportion the expenses thereof accordingly; and if either of the parties shall neglect or refuse to pay his, her, or their proportion of such price or expense, it shall and may be lawful for the Justice to grant a warrant for levying the same by distress and sale of the defaulter's good and chattels, in the same manner as goods are liable to be distrained according to law, for the rent of lands or tenements in arrear and unpaid.

III. That if any freeholder so summoned to attend shall neglect or refuse so to do, he shall forfeit and pay the sum of six pounds, unless he shall assign a reasonable excuse, upon oath, for such neglect, to the satisfaction of the said Justice or Commissioner, which penalty shall be recovered before the said Justice, or any other of His Majesty's Justices of the Peace; and it shall and may be lawful for the said Justice, or such other Justices, as aforesaid, to cause the same to be levied and made by public sale of the goods and chattels of the said offender by warrant of distress, addressed to any bailiff or constable, or other person or persons in such warrant to be specially therein named, and thereby appointed for the execution of the same.

IV. Persons sued for anything done, in pursuance of this Act, may plead the general issue, and give the special matter in evidence; and, on verdict for defendant, or nonsuit of plaintiff entitled to treble costs.

V. Duration, ten years.*

No. 1.
Act 4 W. 4,
c. 2.

Six pounds,
old currency,
penalty for
non-attendance
of freeholders.

Duration.

No. 2.—2 Vic. ch. 10. *An Act to extend the provisions of 4 Wm. 4, ch. 2, to certain other Islands within this Government.* (Feb. 14th, 1839.)

No. 2.
Act 2 Vic.
c. 10.

THAT from and after the passing hereof, and for and during the continuance of the Act hereinbefore recited, within each and every of the islands and districts of this Government, in which no provision has already been by law made, for the regulation of boundary walls or fences; all and sundry the provisions contained in the before-recited Act of the Fourth William the Fourth, chapter two, and every matter and thing therein contained, shall have the full force and effect of law; and all powers exercised thereunder shall be as valid, to all intents and purposes, as if each of the said islands or districts had in the said Act been respectively named, anything in the said Act contained to the contrary notwithstanding.*

4 W. 4, c. 2,
extended to all
out-islands
where there
may be no
provision by
law regulating
boundary
walls.

* By 7 Vic. c. 12, passed on the 9th January, 1844, these Acts are continued in force for ten years from that day, and from thence to the end of the then next Session of Assembly. By Ordinance No. 2 of 1857, these Acts are in force for five years from 6th November, 1857.

CLASS V.

SALE OF PARSONAGE-HOUSE, GRAND CAY.

No. 1.
Act 10 Vic.
c. 5.

No. 1.—10 Vic. ch. 5. *An Act to authorize the Sale of the Parsonage-House and Premises situate at Grand Cay, Turks Islands, in the Parish of Saint Thomas, and for making Provision for the renting of a Residence for the Rector of the said Parish.* (Feb. 26th, 1847.)

Lot of Land on
which Parson-
age-house is
erected vested
in Trustees.

WHEREAS it is expedient that the parsonage-house and premises situate in the parish of Saint Thomas, Turks Islands, should be disposed of; May it therefore please your Majesty that it may be enacted, and be it enacted by His Excellency George Benvenuto Mathew, Esquire, Governor and Commander-in-Chief in and over the Bahama Islands, the Legislative Council and Assembly of the said islands; and it is hereby enacted and ordained by the authority of the same; that the lot of land upon which the parsonage-house for the parish of Saint Thomas, is erected together with the said parsonage-house and all other buildings on the said lot of land erected and being with their and every of their appurtenances, and the full and complete title, in law, therein and thereto shall upon and from the passing of this Act vest in Samuel Rowlett Ricketts, and John James McIntosh, Esquires, or the resident Stipendiary and Police Magistrate at Grand Cay, Turks Islands, for the time being, their heirs and assigns for ever, but in trust and to and for the use of the public in manner hereinafter expressed and declared.

Duty of Jus-
tices.

II. And be it enacted, That the said Samuel Rowlett Ricketts and John James McIntosh, Esquires, or the resident Stipendiary and Police Magistrate, as aforesaid, for the time being, shall and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act, to offer the said land and premises for sale, and the same to sell at public or private sale, and on such terms and conditions as may be approved of by the governor or officer administering the government of these islands for the time being. And upon such sale, to make, execute, and deliver a good and sufficient conveyance to the purchaser or purchasers thereof, which conveyance shall vest in such purchaser or purchasers, his, her, or their heirs and assigns for ever, an indefeasible estate in fee simple in and to the said land and premises: Provided always, that the consideration money for which the said premises shall be so sold shall, when due, be paid to the Receiver-General and Treasurer of these islands or other proper Receiver, who is hereby authorized and required to receive the same or any part thereof, as the same shall become due and payable, and apply the same to the support of Her Majesty's Government within the Bahama Islands.

III. Repealed by Ordinance No. 7 of 1855.

PART VI.

CLASS I.—BIRTHS, MARRIAGES, AND DEATHS.

CLASS II.—LAWS RELATING TO THE CLERGY OF THE CHURCH OF ENGLAND, AND PAROCHIAL MATTERS.

CLASS III.—WESLEYAN MISSIONARY SOCIETY.

CLASS IV.—POORHOUSE AND HOSPITAL.

CLASS V.—EDUCATION.

CLASS I.

BIRTHS, MARRIAGES, AND DEATHS.

No. 1.—1 Vic. ch. 4. *An Act to declare the Validity of certain Marriages solemnized within the Bahama Islands, and to provide for the Registering thereof.* (Oct. 31st, 1837.)

No. 1.
Act 1 Vic.
c. 4.

WHEREAS many marriages have been celebrated in the Bahama Islands by Justices of the Peace and by acknowledged religious teachers; And whereas, in the absence of any direct provision by law for the recognition of such marriages, or in consequence of some alleged information or irregularities in the same, questions touching the validity of such marriages have been entertained, whereby the minds of the parties are disquieted, and the interests of a large portion of the inhabitants of these islands are seriously affected; and it is therefore expedient, for the purpose of allaying all such disquietudes, to declare the validity of all such marriages; May it, &c., That all marriages which have taken place and been solemnized by some Justice of the Peace, or some known religious teacher within the Bahama Islands, shall remain, and be held, and are declared as good and valid in law as if they had been celebrated by persons competent to perform that ceremony, that is, by priests in Holy Orders; and that every such Justice of the Peace or religious teacher aforesaid, having solemnized any such marriage, and all other persons concerned, shall be held to be indemnified; and they and each of them is, and are, hereby declared to be indemnified, free and exonerated from all censure, ecclesiastical or civil, for and in respect of the same.

PREAMBLE.

Certain Marriages declared valid.

II. And whereas disputes may arise in relation to such marriages between the parties interested therein, and to provide for the summary settlement thereof; Be it, &c., That it shall and may be lawful for any one or more of such parties to refer any such disputes to the Ordinary of these Islands, who shall, in each case, determine according to his own discretion, whether the ceremony which may have taken place was or was not such as might reasonably be regarded in the light of a marriage contract: Provided always, That nothing in this Act contained shall affect, or be construed to annul, or impair any marriage actually celebrated by a minister of the

Disputes to be referred to Ordinary.

No. 1.
Act 1 Vic.
c. 4.

Church of England in these islands, or other duly authorized person; but that every such last-mentioned marriage shall be deemed valid, notwithstanding any pre-contract.

III. That it shall and may be lawful for the parties concerned to cause any of the hereinbefore-mentioned marriages to be registered in the marriage-books of the districts of the colony where the parties reside, or in any other district of the colony; but, in all cases, stating the district in which the marriage was solemnized, and the period thereof.

IV. Repeals 6 Wm. 4, ch. 4.

No. 2.
Act 2 Vic.
c. 13.

No. 2.—2 Vic. ch. 13. *An Act for the Regulation of Marriages within the Bahama Islands, and for other Purposes.* (Feb. 14th, 1839.)

PREAMBLE.

Dissenters
may publish
Banns, &c.

WHEREAS the present marriage-laws of the colony are inappropriate to the altered condition of the colony, occasioned by the abolition of slavery, and inadequate to the increased desire for lawful matrimony; and it has consequently become expedient and necessary to amend such laws, and to adapt them to the altered state and condition of society; May it, &c., That from and after the commencement of this Act it shall and may be lawful for any minister of the Christian religion, ordained or otherwise set apart to the ministry of the Christian religion, and acknowledged as such by any known sect or society of Christians in the United Kingdom of Great Britain and Ireland, according to the usage of the persuasion to which such minister shall belong, to publish, within the colony, banns of marriage between persons desirous of being joined together in matrimony; publication of banns to be made in an audible manner some time during public Divine Service on a Sunday, in the face of the congregation before whom such minister shall officiate, in the parish in which one or both of the parties to be married shall dwell; and shall contain the Christian name or names, and surname, and place of abode of each of the said parties; and shall be so published by some such minister for three Sundays preceding the solemnization of the marriage, during the morning service, if there be service in the morning; or, if there shall be no morning service, then during the evening service; and if the parties shall dwell in different parishes, the banns shall be published in like manner in both of such parishes; and if the said parties shall be of different persuasions, the banns shall be published in like manner before each of the congregations to which the said parties may respectively belong, whether both of such congregations shall assemble in the same parish or not; and where one or both of the parties to be married shall dwell in any island or district not included within the limits of any parish, then, if there be a congregation of the persuasion to which such parties or either of them shall belong, assembling for public Divine Worship, as aforesaid, in such island or district, the banns of the party or parties dwelling in such island or district shall be published in manner aforesaid in such island or district; but if there be no such congregations in such island or district, then the banns of such of the parties to be married as shall dwell in such island or district shall be pub-

lished in manner aforesaid in some parish near to such island or district; and in cases where the banns shall have been published, as aforesaid, in different places, the officiating minister at each of such places shall, on request for that purpose made by both or either of the parties whose name shall have been published as aforesaid, give to the party requiring the same a certificate of the banns having been duly published, as aforesaid, in the place of which he is an officiating minister; and on the production of such certificate to the officiating minister of the other place where the banns were published, or on the production of certain certificates from both of such ministers, as aforesaid, to any other such minister as aforesaid, in the parish, or island, or district to which one of the parties shall belong, it shall be lawful for such minister of either of the places where the banns were published, on receiving such certificate from such minister of the other place where the said banns were published, or for such other minister as aforesaid, to whom the certificates of the ministers of both of the places where the said banns were published shall be delivered, on receipt of such certificate or certificates (*as the case may be*), to solemnize matrimony between the said parties according to such form and ceremony as shall be in use or be adopted by the persuasion to which the minister solemnizing such marriage shall belong: Provided, That whenever the form and ceremony used shall be other than that of the United Church of England and Ireland, each of the parties shall, in some part of the ceremony, make the following declaration:—

“I do hereby declare that I know not of any lawful impediment why I, A. B., may not be joined in matrimony to C. D., here present.”

And each of the parties shall say to the other:—

“I call upon these persons here present to witness that I, A. B., do take thee, C. D., to be my lawful wedded (wife or husband).”

II. That it shall be the duty of every minister, as aforesaid, who shall have published banns of marriage, as aforesaid, upon request for that purpose made, by both or either of the parties whose banns such minister shall have published, to grant a certificate thereof; and any minister refusing or neglecting so to do, upon request for that purpose being made, as aforesaid, shall, for every such refusal or neglect, forfeit and pay to the party or parties demanding such certificate the sum of Ten pounds sterling, to be recovered in an action of debt in any Court having competent jurisdiction.

III. That no minister shall be obliged to publish banns between any person whomsoever, unless the persons to be married shall, two days at the least before the time required for the first publication of such banns, respectively, deliver, or cause to be delivered, to such minister a notice of their true Christian name or names and surnames, and a description of their place or respective places of abode, in such parish, or island, or district as aforesaid, and of the time during which they have dwelt in such place or places; and that it shall not be lawful for any minister to solemnize any marriage after three calendar months from the last publication of banns of such marriage; and in all cases where three calendar months shall have elapsed without the marriage having been solemnized, the publication of such banns shall be void; and

Minister not obliged to publish Banns unless the parties deliver in their names, &c., two days previous.

Marriage not to be solemnized three months after last publication of Banns.

No. 2.
Act 2 Vic.
c. 13.

Minister not
responsible
after publica-
tion of Banns.

before the said parties can be married by banns, it shall be necessary to republish banns anew, in manner and form aforesaid, as if no banns had ever been published between them.

IV. That no such minister as aforesaid who shall solemnize any marriage after due publication of banns as aforesaid between persons, both or one of whom (not being a widow or widower) shall at the time of such marriage be under legal age, shall be answerable or responsible, or liable to any pain, penalty, or proceeding for having solemnized such marriage without the consent of the parents or guardians, or of any other person whose consent is required by law, unless such parent, or guardian, or other person, or one of them shall forbid the marriage, and give notice thereof to such minister before he has solemnized the same, and in case such marriage shall be forbidden as aforesaid, and such notice thereof shall be given as aforesaid, the publication of banns for such marriage shall be absolutely void.

Governor au-
thorized to
grant Licences.

V. That in all cases where any parties intending marriage shall desire to have the ceremony of such marriage solemnized without the publication of banns, and shall apply to the Ordinary of the colony for a licence for such purpose, it shall and may be lawful for the Ordinary, upon request of such parties, or either of them, to cause such licence so to be worded as to authorize the marriage in respect of which such licence is applied for, to be solemnized in any place where such parties or either of them shall require, and by any minister by whom such marriage could have been solemnized by virtue of this Act, if banns thereof had been published as aforesaid.

When parties
to be married
have no parents,
&c., to give
consent.

VI. And whereas it may happen that one or both of the parties to be married may be without parents or guardians, or that the parents or parent, guardians or guardian, of one or both of them may be *non compos mentis*, or otherwise incapable in law or in fact of consenting to a proper marriage; Be it, &c., That in all such cases it shall be lawful for any person desirous of marriage, to whose marriage such consent is necessary but cannot be given, to apply by petition to the President in Council, who is hereby empowered to proceed upon such petition in a summary way; and in case the marriage proposed shall upon examination appear to him to be proper, the said President in Council shall declare by his order in writing that such marriage is proper, and may be solemnized forthwith; and every marriage duly solemnized in pursuance or under the authority or direction of such order, shall be as good, valid, and effectual, to all intents and purposes whatsoever, as if such consent as aforesaid had been duly given thereto.

After solemnization of
marriage, no
further proof
necessary.

VII. That after the solemnization of any marriage, under or by virtue of this Act, and which has been registered as hereinafter directed, it shall not be necessary in further support of such marriage, or in any action, suit, or proceeding where the same may come into question, to give any proof of the actual dwelling of the parties married, or of either of them before the marriage, or that the banns were published, or that the marriage was solemnized in the place and by a person where and by whom the same ought to have been published and solemnized respectively, nor shall any evidence be received to prove the contrary.

No suit to com-
pel marriage

VIII. That in no case whatsoever shall any suit or proceeding be had in any Court, or before any jurisdiction whatsoever, to compel

the celebration of any marriage by reason of any promise of marriage or contract entered into, or by reason of seduction, or of any cause whatsoever which shall arise after the passing of this Act, any law or usage to the contrary notwithstanding: Provided always, that nothing herein contained shall prevent any person aggrieved from suing for or recovering damages in any Court, or by any proceeding wherein and whereby damages may be lawfully recovered for breach of promise of marriage, or for seduction, or other causes as aforesaid.

No. 2.
Act 2 Vic.
c. 13.

for breach of
promise, &c.

IX. And in order to [preserve evidence of marriage, and to make the proof thereof certain and easy, and for the direction of such ~~ministers~~ as aforesaid in the registration thereof, it is hereby, &c., That from and after the passing of this Act, all marriages (except marriages by special licence, to marry at any time and place,) shall be solemnized with open doors between the hours of (eight) in the forenoon, and (four) in the afternoon, in the presence of two or more credible witnesses, besides the minister who shall solemnize the same; and that immediately after the celebration of every marriage, an entry thereof shall be made in a marriage register book, to be kept for that purpose by some such ~~minister~~ as aforesaid, or in some safe custody for the place in which marriages may be solemnized; and in every such entry in every such registrar it shall be expressed that the marriage was had by banns or licence; and if both or either of the parties married by licence be under age, and not a widow or widower, that it was had with the consent of the parents or guardians, or other person or persons having lawful authority to withhold consent to the marriage, or after ~~such~~ order of the President in Council ~~as aforesaid~~, and shall be signed by the minister with his proper addition, and by the parties married, and shall be attested by such two witnesses; and every such entry shall be in the form or to the effect of the following specimen:—

Manner in
which marriages
are to be solemn-
ized.

**No. 2.
Act 2 Vic.
c. 13.**

ORIGINAL REGISTER.

1838, MARRIAGES SOLEMNIZED AT DUNMORE TOWN, IN THE PARISH OF ST. JOHN'S,
BAHAMAS, 1839.

No.	When Married.	Christian and Surnames.	Agea.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	After Banns or Licence.	Consent, by whom given, or Governor's Order in Council.
1.	1839, 1st Jan.	John Williams Lucy Chambers	Full age Minor	Bachelor Spinster	Carpenter		After banns	Henry Chambers, the father.

Married in the Wesleyan Chapel at Dunmore Town, after banns, by me, A. B., Wesleyan Minister.

This Marriage was solemnized between us,
 {JOHN WILLIAMS, } in the presence of {C. D.
 {LUCY CHAMBERS, } {E. F.

And of such entry, at the same time, before the parties depart, shall then and there be made, on a separate piece of paper, parchment or vellum, a duplicate Original Register, in which the same matter shall be entered, and signed, and attested by the same parties, in manner, or to the effects of the following specimen:—

No. 2.
Act 2 Vic.
c. 13.

DUPLICATE ORIGINAL REGISTER.

1838, MARRIAGES SOLEMNIZED AT DUNMORE TOWN, IN THE PARISH OF ST. JOHN'S,
BAHAMAS, 1839.

No.	When Married.	Christian and Surname.	Age.	Condition.	Rank or Profession.	Residence at the Time of Marriage.	After Banns or Licence.	Consent, by whom given, or Governor's Order in Council.
1.	1839, 1st Jan.	John Williams Lucy Chambers	Full age Minor	Bachelor Spinster	Carpenter		After banns	Henry Chambers, the father.

Married in the Wesleyan Chapel at Dunmore Town, after banns, by A. B., Wesleyan Minister.

[This Marriage was solemnized between us, { JOHN WILLIAMS, } in the presence of { C. D.
LUCY CHAMBERS, } E. F.

Examined with the Original Register, by me, and found to be correct, A. B.

No. 2.
Act 2 Vic.
c. 13.

Which said duplicate original register shall be left in the hands of the minister by whom the marriage was solemnized; and every such duplicate original register shall, within one calendar month from the date thereof, or at the earliest possible period after the expiration of such calendar month, be transmitted to the secretary of the colony; and all such duplicates shall be filed and safely preserved by him in his office; and every such original register, and also every copy thereof certified under the hand of the minister, who for the time being shall have the lawful custody of the original, to be a true copy, and every such duplicate original register, and also every copy thereof certified under the hand of such Colonial Secretary to be a true copy, shall respectively be good evidence of the facts therein recorded in pursuance of this Act, in and before all Courts and proceedings whatsoever in which it shall be necessary to give evidence of the marriage to which the same shall relate.

Record book
may be searched
every day,
Sundays ex-
cepted.

X. That it shall be lawful for all persons at all reasonable times in the day, except Sundays, to search the original register book, and also the file of duplicate original registers in the presence of the person for the time being having the care of the same respectively, or his deputy, and to have a true copy or copies of any entries or entry therein, or filed, as aforesaid, certified under the hand of the minister having the custody of the original or duplicate original register, as aforesaid (*as the case may be*); which true copies or copy such minister or secretary is hereby required to make, examine, and certify under his hand to be a true copy in the form of the duplicate original register, except that the same shall be headed "certified copy (*or copies*) of original (*or duplicate original*) marriage register," (*as the case may be*) and shall be dated on the day, month, and year where the same shall be delivered.

XI. That in order to meet the expense, and as a remuneration for the trouble occasioned by the performance of any duty under this Act, the following fees shall be demanded, and payable before the performance of the duty to which the same respectively relate, that is to say:—

Fees.

For solemnizing and registering a marriage, and transmitting the duplicate original to the secretary of the colony, Two shillings sterling; for every general search not directed to any particular entry, One shilling sterling; for every search for two or more particular entries, and not exceeding four entries, Sixpence sterling each; for every search for any number of particular entries exceeding four, One shilling sterling; for every such certified copy as aforesaid, One shilling sterling: Provided always, That nothing herein contained shall extend, or be construed to extend, to prevent or debar any clergyman of the Established Church of England and Ireland from demanding and receiving for any duty performed by him, fees, at and after the rates established by the eighth section of the Act of Assembly passed in the fourth year of the reign of his late majesty King William the Fourth, entitled, "An Act for the erecting and repairing of churches, the disposal of the pews, and appropriating of the money arising therefrom towards the maintenance of the poor within these islands, and for other purposes." And provided also, That nothing herein contained shall authorize or require any clergyman of the Established Church aforesaid to

Proviso.

solemnize marriage in any other manner than is prescribed by the Rubrick.

XII. That if any person shall unlawfully, wilfully, and maliciously erase, obliterate, or destroy, or cause, or procure to be erased, obliterated, or destroyed, any such original register, or the duplicate original register as aforesaid, such person shall be deemed guilty of a misdemeanour, and on being duly convicted thereof shall be liable to be imprisoned in some lawful place of confinement for any term not less than three, nor exceeding twelve calendar months; and if any person shall unlawfully and wilfully forge, or alter, or falsely make, or cause, or procure, or permit to be forged or altered or falsely made any such original register, or duplicate original register, or any certified copy thereof respectively, or shall knowingly and wilfully deliver, offer, utter, or put off any such forged, false, or altered copy, he shall be liable for such offence, on conviction thereof, to be imprisoned in any such place as aforesaid, for any term not exceeding eighteen months, nor less than six months.

XIII. And whereas since the abolition of Slavery in the British Colonies, doubts have arisen and exist as to the validity of certain marriages contracted and solemnized previous to the abolition of slavery in the said colonies, between slaves and between parties one of whom was a slave, and also in some cases between free persons of colour, and since the abolition of slavery, between apprentices and other persons of free condition by ministers of the Christian religion other than clergymen of the United Church of England and Ireland; and it is expedient and necessary that all such doubts should be removed, and such marriages and reputed marriages should be ascertained and confirmed, and that all persons who have solemnized any such marriages or reputed marriages, or who have in any manner assisted thereat, should be indemnified from and against all pains, penalties, forfeitures and proceedings to which such persons or any of them may be liable therefor; Be it, &c., That all marriages which at any time before the passing of this Act shall have been solemnized in any of these islands, by or before any such minister of the Christian religion as aforesaid, shall be, and the same are hereby declared to be, and to have been from the time of the solemnization thereof, respectively, good, valid, and effectual to all intents and purposes whatsoever, any law or usage to the contrary thereof in anywise notwithstanding: and all pains, penalties, forfeitures, and proceedings, of whatsoever kind or description which any such Christian minister may have incurred or become liable to before the taking effect of this Act, by reason of his having solemnized or assisted at any marriage whatsoever, or in anywise in relation thereto, is and are hereby remitted, released, repealed, and made void: Provided always, nevertheless, That this clause shall extend, and be construed to extend only to cases in which the parties who having been so married as aforesaid, or either of them, have not since the solemnization of such marriage, and before the passing of this Act, intermarried with any other person or persons according to the rites and ceremonies of the United Church of England and Ireland.

XIV. And whereas in some instances registers of such marriages last aforesaid have been duly made and kept by such ministers as aforesaid who officiated thereat; Be it, &c., That all such

No. 2.
Act 2 Vic.
c. 13.

Penalty for
wilfully
destroying, &c.,
original or
duplicate
register.

Marriages
solemnized
before the
passing of this
Act declared
valid.

Registers
declared to be
good evidence
of Marriage.

No. 2.
Act 2 Vic.
c. 13.

Manner in
which registers
of confirmed
Marriages are
to be preserved.

registers, and all copies thereof, respectively certified under the hand of the person for the time being having the lawful care of the same, to be true copies, shall be, and the same are hereby declared to be, good evidence of such marriages as aforesaid, respectively, as fully as if such register had been made and kept, and such certified copies had been made respectively by persons appointed by law to make and keep the same, and shall be received in evidence in all Courts, and before all Judges and Magistrates.

XV. That the better to preserve evidence of marriages so registered, and to facilitate the proof thereof, every person in whose custody any register lawfully is or shall be at the time of the commencement of this Act, shall, within six months after such the commencement of this Act, respectively make or cause to be made a fair and correct copy of every such register and of every entry therein contained; and it shall be lawful for any Christian minister as aforesaid, to examine, verify, and correct, (if anywhere found incorrect) by the original, any such copy of a register kept by any person or persons of the persuasion to which he belongs, and to take the same before any Magistrate, and make and sign the following declaration, which any Magistrate to whom the same shall be tendered is hereby authorized and required to receive, and to certify in manner following, that is to say:—

I, *A. B.*, (*describe the persuasion to which he belongs*) do hereby solemnly, sincerely, and truly declare that I have carefully examined this copy, beginning the day of (month and year), and ending on the day of (month and year) and containing pages, and entries of marriages, with the original register: and I believe the same to be throughout a true and faithful copy of the original register, of which it purports to be a copy. Signed *A. B.*

The said *A. B.* appeared this day of before me, *C. D.*, one of Her Majesty's Justices of the Peace in and for and made and signed the above declaration in my presence. Signed *C. D.*

Which declaration and Magistrate's certificate thereof shall be entered and signed at the end of the copy to which it relates; and the copy shall be then securely sealed up, and forthwith sent to the secretary of the colony as aforesaid, to be by him kept with the register of marriages, in his office, where the same may be searched; and any copy of any entry therein certified under his hand to be a true copy, shall be of the same force and effect as any certified copy whatsoever made by him is or can be; and which certified copies he is hereby required to make, and may receive payment for as in other cases.

Penalty on a
false declaration.

XVI. That if such minister as aforesaid shall wilfully make or sign any such declaration, knowing the same to be false, he shall be liable to the pains and penalties to which persons guilty of wilful and corrupt perjury are liable.

How Marriages
de facto are to
be made valid.

XVII. And whereas, in consequence of imperfect instruction in the Christian religion, and from other causes, many marriages *de facto* have taken place between persons one or both of whom were in the condition of slavery, and other persons, but which marriages *de facto* have never been sanctioned by any public ceremony or formally registered; and in many such cases the parties have had

No. 2.
Act 2 Vic.
c. 13.

offspring of such last-mentioned marriages, and it is expedient that provision should be forthwith made for enabling such persons to confer upon their children the rights of children born in lawful wedlock; Be it, &c., That it shall be lawful for all persons having contracted marriage as last aforesaid, and who have not subsequently to such marriage *de facto* been legally married to any other person or persons at any time within two years after the passing of this Act, duly to solemnize the marriage ceremony before any clergyman of the Established Church, or in any other manner authorized by this Act; and every person so recognizing a previous marriage *de facto* shall at the same time make and sign the following declaration, which shall also be attested by the witness present, and signed by the minister before whom the ceremony is performed.

We, *A. B. and C. D.*, do hereby solemnly, sincerely, and truly declare that on the _____ day of _____ in the year _____ or thereabouts, at _____ we, the said *A. B. and C. D.* intermarried with each other, and that we have had issue of the said marriage _____ children, and no more, viz.: (*here state the names and ages of the children, and if any be dead state the fact.*)

Present,	}	(Signed)	<i>A. B.</i>
<i>X. Y.</i>	}		<i>C. D.</i>

and such marriage ceremony shall have relation back to the time of the marriage *de facto*; and all such children shall be deemed and taken to have been born in holy wedlock, and shall possess and enjoy all the rights, privileges, and advantages of persons born in lawful wedlock; and to preserve evidence thereof, a duplicate original declaration shall then and there, before the parties depart, be made, signed, and attested in the same manner; and the original declaration shall be appended to, and kept with the original register, and the duplicate original declaration shall be appended to, sent, and kept with the duplicate original register, and shall for all purposes of evidence, be deemed part thereof respectively: Provided always, and it is hereby declared, That such last-mentioned ceremony and declaration may be performed and made without the previous publication of banns or a licence: Provided, however, and, &c., that nothing in this Act contained shall be construed or understood in any manner to affect the right of the Ordinary of these islands in granting marriage licences so far as the same now are or may be lawfully exercised and enjoyed.

A duplicate register to be made and kept.

Proviso.

Nothing in this Act to affect rights of the Ordinary to grant Marriage Licences.

Certain Acts repealed.

XIX. Repeals 5 Wm. 4, ch. 15, 6 Wm. 4, ch. 9, and so much of 5 Wm. 4, ch. 33, as shall be repugnant to or inconsistent with the provisions of this Act, with the following proviso: Provided, however, that such repeal shall not invalidate or be construed to invalidate any marriage or marriages which may have been had and solemnized under the authority of such Acts, or any or either, all which marriages shall be, and be held good and valid, such repeal to the contrary notwithstanding.

No. 3.
Ord. No. 7,
1851.

No. 3.—ORDINANCE No. 7 of 1851.

An Ordinance to declare the validity of certain Baptist Marriages solemnized within the Turks and Caicos Islands, and to provide for the Registering thereof. (Passed 10th Oct., 1851. Confirmed 16th Aug., 1852.)

PREAMBLE.

WHEREAS by virtue of an Act passed in the second year of Her Majesty's reign, entitled "An Act for the better regulation of Marriages within the Bahama Islands," and which said Act is extended to this colony, many marriages have been celebrated in the Turks and Caicos Islands by Baptist missionaries and their delegates, but in consequence of certain provisions of the said Act not having been fully complied with, questions touching the validity of such marriages have been entertained; and it is therefore expedient to declare the validity of such marriages; May it, &c.,

All Marriages solemnized by Delegates of the Baptist Mission declared valid;

And to be registered.

Operation of this Act.

I. That all marriages which have taken place and been solemnized by any Baptist missionary or his delegate within the Turks and Caicos Islands shall remain and be held and are declared as good and valid in law as if no irregularities had taken place, and the provisions of the hereinbefore-mentioned Act had been fully complied with: Provided always, that it shall and may be lawful, on or before the first day of January which shall be in the year of our Lord one thousand eight hundred and fifty-three, for the parties concerned to cause any of the hereinbefore-mentioned marriages to be registered in the Marriage Books of the district of the colony where such marriage or marriages were originally solemnized, or at Grand Turk, where the General Register is kept.

II. And be it further ordained, that this Ordinance shall come into operation so soon as the assent thereto of the Governor-in-Chief shall have been proclaimed.

CLASS II.

LAWS RELATING TO THE CLERGY OF THE CHURCH OF ENGLAND, &c.

No. 1.
Act 6 G. 4,
c. 12.

No. 1.—6 Geo. 4, ch. 12. *An Act to authorize the Bishop of Jamaica to exercise Ecclesiastical Jurisdiction over the Clergy within the Bahama Islands. (Jan. 9th, 1826.)*

PREAMBLE.

English Ecclesiastical Canons, &c., declared to be in force in the Bahamas.

WHEREAS His Majesty has been graciously pleased to constitute bishoprics in the islands and colonies in the West Indies, and to erect the Island of Jamaica and the Bahama Islands into a bishop's see, appointing the Rev. Christopher Lipscombe, D.D., bishop of the said see; And whereas it is expedient to authorize the bishop thereof to exercise ecclesiastical jurisdiction over the clergy within the Bahama Islands; May it, &c., That from and after the passing of this Act all laws, ordinances, and canons ecclesiastical, which are now used and in force in that part of the United Kingdom called England, so far as the same relate to the

ordering and ecclesiastical regimen and jurisdiction over the clergy therein; and all rules of proceeding for carrying the same into effect shall be esteemed, accepted, and taken to be in full force and virtue within these islands in respect of the clergy resident within the same; and that the Judges of the General Court of the said Bahama Islands shall and may, from time to time, and at all times, be aiding and assisting in enforcing and carrying into execution such processes and proceedings, orders, sentences, adjudications, and decrees, at any time to be issued, had, made, or given in respect of the clergy within the said Bahama Islands, in the same manner, to all intents and purposes, as the Courts of Common Law within that part of the United Kingdom called England, lawfully may or are authorized, empowered, or required, to aid and assist the Ecclesiastical Courts in enforcing and carrying into execution the processes and proceedings, orders, sentences, adjudications, and decrees issued, had, made, or given, in the said last-mentioned Courts, any law or custom to the contrary thereof in anywise notwithstanding; Provided, however, That nothing in this Act contained shall be construed or understood in any manner to affect the rights of the Ordinary of these islands, so far as the same now are or may be lawfully exercised and enjoyed.

No. 1.
Act 6 G. 4,
c. 12.

No 2.—ORDINANCE No. 7 of 1855.

An Ordinance to consolidate and amend the several Laws at present in force regulating the Division of Parishes within these Islands; the election of Vestries within the same; and further to provide for the future management of Parochial affairs. (Passed 5th July, 1855. Confirmed 21st Feb., 1856.)

No. 2.
Ord. No. 7,
1855.

WHEREAS the several laws regulating the parochial affairs of the colony have in a great degree ceased to be operative, partly from the altered position of these islands since their separation from the Bahama Government, and partly from the amendment and repeal of some of the provisions of Ordinances since ordained; and it is expedient that certain amendments should be made therein; and that the several enactments relating to parochial affairs should be embodied in one Ordinance; May it, &c.

PREAMBLE.

I. That the islands of Grand Cay and Salt Cay shall form one parish, to be called the Parish of St. Thomas, and all islands and quays within three leagues of the said quays shall be included in the said parish. That the islands commonly known as the Caicos Islands, together with all islands and quays within three leagues of the same, shall be included in one parish, to be called the Parish of St. George.

Colony divided
into parishes.

II. That the building erected at Salt Cay for a Chapel of Ease to the parish church shall be a Chapel of Ease to the said parish church.

Chapel of Ease
of Salt Cay.

III. That all persons qualified to vote at the election of members of Council, and professing to be members of the Church of England, shall be qualified to serve as vestrymen; and all persons

Qualification
of vestrymen.

No. 2.
Ord. No. 7,
1855.

Period for
electing vestry-
men.
Appointment of
Churchwardens.
Poll to be held
for election of
vestry.

Election of
unqualified
persons de-
clared void.

Quorum to
form a vestry
meeting.

Vacancies,
how filled up.

Reservation
and sale of
pews.

Pew rent
payable in
advance.

Arrears, how
dealt with.

Pew rents to
be paid into
the Public
Treasury.

qualified to vote at the election of members of Council may also vote at the election of vestrymen.

IV. That on some day during Easter week in each and every year all persons qualified to vote as aforesaid may meet and elect four persons to serve as vestrymen, two to serve for a period of one year and two for a period of two years; and of the persons so elected, two shall be appointed as churchwardens, one by the vestry, and one by the rector.

V. That within the same period in each year the clerk of the parish shall hold the poll for an election of vestrymen (due notice thereof having been previously given), and the same shall be open from the hour of twelve to two o'clock of the afternoon; and at such election two persons may be elected in the room of the two whose period of service shall then expire.

VI. That if any unqualified person shall be elected to serve as a vestryman, his election shall be void, and those qualified persons whose names shall have been placed on the roll (if any) who have the greatest number of votes, shall be and they are hereby declared to be duly elected, notwithstanding that the votes polled for such persons shall be fewer in number than the votes polled for such unqualified person as aforesaid.

VII. That two of the persons so chosen with the rector (if present) shall be deemed a vestry; and in the absence of the rector three shall suffice; and any vacancy which may at any time occur by death, refusal to act, departure from these islands, or other cause, shall be filled up by the vestry at their next meeting.

VIII. That the said vestries shall reserve out of the pews in the church at Grand Cay, one pew for the officer administering the government, and one for the officers of Her Majesty's Army and Navy, also sufficient accommodation for the choir of the church, and also accommodation for any of Her Majesty's troops stationed at these islands; and in any other church or chapel within these islands there shall be reserved one pew for the rector or other officiating minister—and sufficient accommodation, not exceeding one-fourth of the entire number of pews in every such church or chapel for the use of the poor, and the remainder of such pews shall be sold by order of the vestry at public auction to the highest bidder for one year; and each purchaser of a pew shall be entitled to retain the same for three years at the original rate per annum. And all such sales of pews shall be held annually, in the first week in January in every year in some public place other than the church or chapel of the parish, notice of which shall be given at least one week previous to such sale: Provided however that nothing herein contained shall be construed to interfere with the right of any person or persons who may have purchased pews at any former sale of the same.

IX. That all sums due for pew rents shall be paid annually in advance, and if the rent for any pew shall be in arrear for four weeks, the amount may be sued for in the name of the vestry, and recovered from the person indebted for the same before any Court of competent jurisdiction.

X. That the moneys arising from the sale of pews shall be paid into the Public Treasury of these islands towards the support of the government of these islands.

XI. That so often as may be requisite the said vestry shall lay

No. 2.
Ord. No. 7,
1855.

before the President and Council an estimate of any sum or sums of money which may be required for parochial purposes, and shall once in three months lay before the said President an account of the disbursement of public money by them, with the vouchers in support of such expenditure.

XII. That the clerks of the parishes within these islands shall from time to time be appointed by the rectors or incumbents thereof, and shall be, ex-officio, clerk of the vestry of such parish, and the sexton shall be appointed by the vestry.

Appointment of clerk and sexton.

XIII. That every person not in holy orders employed in connection with the Church of England and receiving remuneration, wholly or in part from the public funds of the colony, shall be liable for any misconduct to be suspended or removed from such office by the President, by and with the advice of the Council.

Person not in holy orders may be removed by the President.

XIV. That every vestryman refusing or neglecting to undertake the duties of his office when duly elected, or neglecting to perform the same, shall be liable to a penalty not exceeding Five pounds.

Penalty for refusing to act as vestryman.

XV. That any clergyman arriving from abroad who shall be inducted into a living within this presidency, shall be entitled to receive out of the Public Treasury to defray his passage such reasonable sum of money as the President and Council shall think fit; and the President is hereby empowered to grant his warrant for the payment of the same: Provided that if such clergyman shall depart from these islands (except on leave) before the expiration of three years from the date of his arrival, it shall be required of such clergyman to refund the whole or such part of the said allowance as may be fixed on by the President and Council.

Provision for passage of clergy to the colony.

XVI. That in case of the absence of any rector who shall be absent on leave for a longer period than three months, or in case of the death of any rector, it shall be lawful for the President, by and with the advice of the Council, to grant his warrant for the payment out of the Public Chest to the person discharging the duties of such rector such portion or portions of the salary attached to such rectory as he may think proper, such proportion not being less than one half of the said salary.

Provision for persons acting in absence of Rector.

XVII. That the salaries and allowances of the several ministers of the Church of England in these islands, shall be at and after the rate set forth in the Schedule to this Ordinance attached; and the several officers named in the Schedule aforesaid shall also receive the amount specified therein; and the several fees set forth in the said Schedule may lawfully be taken for the services specified, and none other.

Salaries provided for.

XVIII. That all salaries payable under this Ordinance shall be liable to the deductions for the widows' and orphans' fund, as regulated by the Act of the General Assembly of the Bahama Islands, eighth Victoria, chapter forty-two, extended to these islands. And the widows and orphans of the persons so contributing shall be entitled to the same benefits as other public officers contributing thereto.

Provisions for Widows and Orphans of clergy.

XIX. That the cost of digging graves shall from time to time be fixed by the vestries aforesaid according to circumstances; and the table thereof be kept by the clerk of the parish for public inspection.

XX. That all penalties, fines, and forfeitures incurred under this Ordinance may be sued for and recovered in the name of the Queen

No. 2.
Ord. No. 7,
1855.

in any Court of competent jurisdiction, and shall be paid into the Public Treasury for and towards the support of the Government.

XXI. That if any person shall be sued for anything done under the authority of this Ordinance, the defendant may plead the general issue and give this Ordinance and the special matter in evidence; and in case of discontinuance of action, or nonsuit, or a verdict for the defendant, he shall be entitled to double costs.

XXII. That the word "President" shall be understood to mean the officer administering the government for the time being, and the word "Council," the Executive Council of these islands.

Acts repealed.

XXIII. That the following acts and Ordinances and parts thereof shall be repealed, namely: so much of the Act of the Assembly of the Bahamas, passed in the third year of Her Majesty's reign, third Victoria, chapter eleven, as provides a salary for the rector, clerk, and sextons of the Parish of St. Thomas; also so much of the Act of the said General Assembly, eighth Victoria, chapter forty-two, section one, as excepts the salaries of clergymen from any deduction in behalf of the pension fund; also the Act of the Assembly of the Bahamas, ninth Victoria, chapter one, for dividing the colony into parishes and for other purposes; also the Act ninth Victoria, chapter three, which provides a salary for the clergyman officiating at Salt Cay, and grants to the clerk and sexton of the parish of St. Thomas certain allowances in lieu of fees; also the Act tenth Victoria, chapter nineteen, which amends the parochial Acts of the colony; also the Act eleventh Victoria chapter twenty-three; also Ordinance No. 2 of 1849; also Ordinance No. 4 of 1852.

SCHEDULE

OF SALARIES, ALLOWANCES, AND FEES.

	£	s.	d.
To the present rector of the parish of St. Thomas; salary - - - - -	370	0	0
House allowance - - - - -	45	0	0
To any future rector for salary and house rent - - - - -	300	0	0
To the clerk of the parish of St. Thomas - - - - -	51	13	4
To the sexton of the said parish - - - - -	26	16	8

Fees.

MINISTER'S.

For every marriage in church or chapel of ease - - - - -	0	2	0
For elsewhere in the parish of St. Thomas - - - - -	1	10	0

CLERK'S.

For every marriage in church or chapel - - - - -	0	1	0
For elsewhere in the parish of St. Thomas - - - - -	0	8	0
For entering every marriage in record-book - - - - -	0	1	0
For one lay reader at Cockburn Harbour - - - - -	20	0	0
For one lay reader at Lorimers, Caicos - - - - -	20	0	0
both in the parish of St. George, whenever licensed by the Lord Bishop of the diocese.			

No. 3.—ORDINANCE No. 15 of 1860.

An Ordinance to amend Ordinance No. 7 of 1855, and to erect Salt Cay into a separate Parish. To provide for the election of a Vestry, and for other purposes. (Passed 1st May, 1860. Confirmed 17th October, 1860.)

No. 3.
Ord. No. 15,
1860.

WHEREAS the islands commonly known as Grand Cay and Salt Cay, and other islands designated as the Turks Islands, have hitherto formed one parish, known as the parish of St. Thomas, and whereas from the increased and increasing number of the inhabitants of Salt Cay, the many difficulties which at present attend the proper management of the affairs of the Church of England at Salt Cay under the control of a vestry residing at another island, and for other reasons, it is deemed expedient that the said island of Salt Cay with the Cays adjacent thereto should be constituted a distinct parish, and the chapel of ease at Salt Cay declared the parish church thereof; May it, &c.,

PREAMBLE.

I. That from and after the commencement of this Ordinance, the island of Salt Cay, together with the several islands and Cays within the parish of St. Thomas, which lie nearer to Salt Cay than to the island of Grand Turk, shall form and be erected into one parish, of which the chapel of ease at Salt Cay shall be the parish church, and the parish shall henceforth be known and distinguished by the name of the parish of St. John.

Salt Cay to be
a separate
parish, called
the parish of
St. John.

II. That the following clauses of Ordinance No. 7 of 1855, shall be held and taken to apply to the said parish of St. John, as if they had been ordained for the management of the said parish—to wit—Clauses No. 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 16, 18, 19, 20, 21, and 22. Provided that all the duties required by the fifth clause aforesaid of the clerk of the parish, shall at the parish of St. John be performed by the clerk of the vestry.

Clauses of Ord.
No. 7, 1855,
which are
extended to
Salt Cay.

III. That so soon as this Ordinance shall come into operation, all persons entitled to vote for vestrymen may lawfully assemble on a day of which due notice shall be given, by the rector or officiating minister, who shall cause a poll to be opened for the four vestrymen to serve for such period of time as may remain between such day of election and the regular day in Easter week ensuing, when the duties of such vestrymen shall cease, and others be elected to serve as by Section 4 of Ordinance No. 7 of 1855 is provided.

Election of
vestry.

IV. That the vestry and rector, or officiating minister, shall have power to nominate and appoint a fit and proper person to act as clerk of the vestry, whose duty it shall be to keep all records, and to attend all vestry meetings, and the general business of the vestry. And the said vestry and rector shall also appoint a sexton for the said parish church.

Appointment of
Churchwardens.

V. That the said vestry shall reserve out of the pews in the church of the parish of St. John, one pew for the President of the colony, one pew for the rector, or officiating minister, and sufficient accommodation not exceeding one fourth of the entire number of pews in the said church, for the use of the poor; and the remainder of such pews shall be sold by the clerk of the vestry at public auction to the highest bidder, for one year, and each purchaser of

Sale of Pews.

No. 3.
Ord. No. 15,
1860.

a pew shall be entitled to retain the same for three years in succession, at the original rate per annum. And all such sales shall take place annually in the first week in January, in some place other than the church of the parish, and all pews not retained shall be sold at the period, and in the manner aforesaid, notice of which shall be given at least one week previous to such sale; provided however that nothing herein contained shall be construed to interfere with the right of any person or persons who may have purchased pews at any former sale of the same.

Salaries of
Minister, &c.

VI. That the salary and allowances of the resident Minister of the Church of England, at the said parish of St. John, shall be, at and after the rate set forth in the Schedule to this Ordinance attached, and the several officers named in the Schedule aforesaid shall also receive the amount specified therein, and the several fees set forth in the said Schedule may lawfully be taken for the services specified.

Provision for a
Minister for
St. George's
Parish, Caicos.

VII. And whereas the Caicos Islands, and the several islands and Cays situate within the distance of three leagues thereof, have been long since formed into a parish, called the parish of St. George, and it is expedient that a minister of the Church of England should be appointed for the said parish; Be it therefore ordained, that so soon as a duly ordained minister of the Church of England shall be appointed for the said parish, there shall be paid to such minister out of the Public Treasury of these islands, by warrant in the usual manner, the sum of 100*l.* per annum, in aid of a salary for such clergyman: Provided that a stipend to the same amount shall be granted to such minister from the funds of the Colonial Church and School Society, or of some other missionary association of the Church of England.

VIII. That so soon as a minister shall be appointed for the parish of St. George, as aforesaid, the several provisions of this Ordinance shall be held to apply to the said parish so far as circumstances will permit.

Penalty for
allowing dogs
to enter any
of the Parish
Churches
during divine
service.

IX. And whereas the practice of allowing dogs to enter and desecrate the places of public worship in these islands, is a nuisance which should be put an end to; Be it further ordained, that if any person shall permit any dog to enter either of the parish churches of these islands during the time of divine service, it shall be the duty of the churchwardens to complain of such nuisance to the Police Magistrate resident in such parish, who shall summon the owner of such dog, and if upon hearing the case such owner be convicted of permitting such nuisance, he or she shall be liable to a fine of not exceeding One pound, and if the same be not paid, such fine may be recovered by distress and sale of the offender's goods and chattels.

Office of Parish
Clerk to be
abolished when
a vacancy
occurs.

X. And whereas, it has been found by experience, that the office of parish clerk is wholly unnecessary; Be it therefore further ordained, that whenever any vacancy shall occur in the said office, so much of Ordinance No. 7 of 1855 as grants the sum of 5*l.* 13*s.* 4*d.* to the clerk of the parish of St. Thomas shall be repealed: Provided, however, that until such vacancy shall occur, the clerk of the parish shall sell the pews in the parish church of St. Thomas, as provided in the said Ordinance.

Salary for
Vestry Clerk.

XI. That so soon as such sum of 5*l.* 13*s.* 4*d.* shall cease to be paid, as aforesaid, the sum of 10*l.* per annum shall be paid to the

clerk of the vestry, such person to be appointed by the rector, churchwardens, and vestry, and such salary shall be paid from the Public Treasury by warrant in the usual manner.

No. 3.
Ord. No. 15,
1860.

XII. That such clerk shall hold the poll for the election of vestrymen, dispose of the pews at public auction, and discharge generally the duties of clerk to the vestry.

XIII. That the following clauses of Ordinance No. 7 of 1855 shall be repealed so far as they relate to the parish of St. John—to wit :
Clauses No. 1, 2, 8, 12, and 17.

SCHEDULE.

	£	s.	d.
To the rector or officiating minister; salary - - -	200	0	0
To the clerk of the vestry - - - - -	10	0	0
To the sexton - - - - -	10	8	4

Fees.

MINISTER'S.

Every marriage in church - - - - -	0	2	0
For elsewhere in the parish - - - - -	1	10	0
For recording such marriage - - - - -	0	1	0

CLASS III.

WESLEYAN MISSIONARY SOCIETY.

No. 1.—ORDINANCE No. 7 of 1860.

An Ordinance to provide assistance in Aid of the establishment of a Resident Wesleyan Methodist Minister at Salt Cay. (Passed 13th April, 1860. Confirmed 5th Sept., 1860.)

No. 1.
Ord. No. 7,
1860.

WHEREAS the Committee of the Wesleyan Missionary Society **PREAMBLE.**
has for many years past contributed considerable sums of money towards the support of the Wesleyan minister stationed at these islands, and the moral and religious condition of the inhabitants has been thereby greatly promoted; And whereas there has been erected at Salt Cay a large and commodious Wesleyan Chapel, but from the want of adequate means, the members of that congregation have not been able to raise a sufficient sum to provide for the maintenance of a minister on that island, and it is very desirable that some assistance should be afforded for this purpose from the funds of the Public Treasury; May it, &c.,

I. That from and after the proclamation of this Ordinance, and so soon as the Wesleyan Methodist Society shall provide and send out to this colony a regularly accredited minister to reside at Salt Cay, there shall be allowed and paid out of the Public Treasury of these islands in monthly payments, by warrant, in the usual manner, the sum of Eighty pounds per annum to such resident Wesleyan minister at Salt Cay. Allowance to Wesleyan Missionary at Salt Cay.

No. 1.
Ord. No. 7,
1860.

II. That this Ordinance shall be and continue in force from and after the proclamation of the same, for and during the term of five years, and from thence to the end of the then next Session of the Legislative Council, and no longer.

CLASS IV.

POOR-HOUSE AND HOSPITAL.

No. 1.
Ord. No. 13,
1855.

No. 1.—ORDINANCE No. 13 of 1855.

An Ordinance to provide for the Supervision and Regulation of the Poor-house and Hospital at Grand Turk. (Passed 31st Oct., 1855. Confirmed 20th March, 1856.)

PREAMBLE.

WHEREAS it is expedient that provision should be made for the regulation of the Poor-house and Hospital establishment of these islands; May it, &c.,

President and
Council to
appoint Com-
missioners.

I. That the control and supervision of the poor of these islands in receipt of relief from the colony shall be vested in a Board of Commissioners, to be appointed annually, and to consist of three persons appointed by the President and Council, which Board shall have and are hereby invested with the power to frame rules and regulations for the government of the said establishment, and from time to time to alter or amend the same; which rules and regulations, when submitted to and confirmed by the President in Council, shall be and become in full force and virtue, and be published for the information and guidance of all concerned.

Estimates to
be submitted
monthly.

II. That once in every month the said commissioners shall lay before the President an estimate of the probable amount required for the support of the said Poor-house and Hospital for the ensuing month.

Who deemed
visitors.

III. That the members of the Legislative Council and the Justices of the Peace shall be entitled to visit the said establishment at all times; and the clergy of the several denominations of Christians within these islands shall have power to perform Divine Service within the said establishment at convenient periods, as well as to impart religious instruction to any of the inmates thereof, and to bury the dead of their several followers dying within the same.

Destitute
children may
be apprenticed.

IV. That it shall be lawful for the Police Magistrate at the request of the said commissioners to put out to service all children left destitute, or whose parent or parents may be supported at the public expense; or to apprentice under indenture any such children to any person or persons residing in the colony, and carrying on therein any useful trade or calling, for such period of time as they may deem fit and proper, until the children so put out to service or apprenticed shall have attained, in the case of girls, eighteen years of age, and in that of boys, twenty-one years.

CLASS V.

EDUCATION.

No. 1.—ORDINANCE No. 4 of 1853.

An Ordinance to appoint an Inspector and Head Master over the Public School, also Masters and Teachers for the same, and for other purposes therein mentioned. (Passed 29th Oct., 1853. Confirmed 6th April, 1854.)

No. 1.
Ord. No. 4,
1853.

WHEREAS it is necessary, in order to insure the proper and efficient management of the public schools within these islands, that a Board of Education should be established, with powers of inspection and control over the same; May it, &c.,

PREAMBLE.

I. That it shall be lawful for the President or Officer administering the Government of these islands to nominate and appoint not less than six, and not more than eight persons, two being members of the Legislative Council, and four being the officiating Ministers of the Church of England at Grand Turk and Salt Cay, and the Ministers of the Methodist and Baptist denominations resident at Grand Turk, who shall, together with the Officer administering the Government as Chairman, constitute a Board of Education for the purpose of this Ordinance; and that four or more of the said Board, together with such Officer, shall be a quorum to transact business.

The President
to appoint a
Board of Edu-
cation.

II. And be it further ordained, that the said board shall and may meet (at any place named by the President) on the first Thursday in each calendar month, and further, as often during any and every month in the year as may be necessary for the despatch of business, due notice of every such last-mentioned meeting being previously given by the Secretary to each and every member of the Board.

When said
Board to meet.

III. That it shall be lawful for the said Board to make such by-rules and regulations for the control and management of all schools under their jurisdiction as they may deem fit; and such by-rules and regulations, when approved of by the President, shall be held to be in full force, and shall be acted upon accordingly, and shall be held as binding upon all parties concerned as any clause of this Ordinance: Provided, however, that such by-rules and regulations shall not be repugnant to the provisions of this Ordinance, and may be amended, altered, or repealed as often as may be deemed fit and necessary by the said Board.

Said Board to
make By-rules
for the manage-
ment of Schools.

IV. That the private secretary to the President, or clerk in the office of the Officer administering the Government for the time being, shall be ex-officio honorary secretary and treasurer to the said Board.

The Private
Secretary to the
President to be
ex-officio Secre-
tary to the Board.

V. That it shall be lawful for the President, and he is hereby required to apply to the Secretary of State for the Colonies, as often as may be required, for some fit and proper person to hold the office of Inspector and Head Master of the public schools: Provided always, that as such appointments of Head Masters for the colonies for education purposes have sometimes disappointed the wishes of their employers when they have arrived and entered upon their employments, it shall be required that such Head

The President
to apply for a
person to be
Inspector and
Head Master
from the Insti-
tution of the
British and
Foreign School
Society.

No. 1.
Ord. No. 4,
1853.

Duty of Head
Master.

Master shall be properly qualified in the organization and discipline of elementary schools upon the most approved plan of popular education; and that such Head Master shall produce testimonials of religious character, and of a proper period of secular training at the Normal Training Institution of the British and Foreign School Society, in London, as being a suitable and qualified person thoroughly trained in the management and discipline of children.

VI. That it shall be the duty of the said Head Master to attend daily, whenever the scholars shall meet for tuition, one or more of the public schools at these islands, for the purpose of supervising the management of the same, or at other times of inspecting such schools in such manner as shall be required or approved of by the Board: Provided always, that it shall be lawful for the President, in the event of the death, resignation, or incapacity of such Inspector as aforesaid, to appoint, provisionally, some fit person to act as Inspector and Head Master of the public schools until the pleasure of the Secretary of State for the Colonies shall have been made known.

The President
to appoint
Teachers,

VII. That it shall be lawful for the President, and he is hereby required to appoint teachers and masters, properly trained by the said Head Master, to the schools hereafter to be established, and on the recommendation or with the consent of the Board, to dismiss such persons when there shall be a necessity for so doing.

and establish
Schools where
required.

VIII. That it shall be lawful for the President or officer administering the Government for the time being to establish one or more school or schools within the several districts of these islands where it may appear requisite to the said President or officer administering the Government to establish such schools.

What books
may be used.

IX. That the daily reading-lessons shall be taken from the Holy Bible, and from such religious and secular works as the said Board may direct, and that no catechism or sectarian work shall be admitted or used in the aforesaid schools.

Weekly contri-
butions.

X. That the weekly contributions of the scholars admitted into the aforesaid schools shall be compulsory, except in such cases as may be specially recommended by the Inspector and sanctioned by the said Board, and that such contributions shall not at any time exceed the sum of sixpence per week for each and every child admitted as aforesaid, and when collected, shall form part of the funds at the disposition of the said Board, in such way and manner as the said Board shall direct.

Parents or
Guardians
liable for the
payment of
contributions.

XI. That the parents or guardians of such children as are admitted into the said schools shall be, and they are hereby declared liable for the payment of such contributions due to the Board on account of the admission of any child into any of the said schools; and it shall be lawful for any one or more of Her Majesty's Justices of the Peace, and he and they are hereby required to aid and assist in the collection of such contributions, on proper accounts being rendered to him, or any one or more of them, in the same manner as is usual in the recovery of all sums under Five pounds within these islands.

Grant of £450
payable from
the Public
Treasury in
aid of schools.
Salary of
Inspector and
Head Master.

XII. That a sum not exceeding Four hundred and fifty pounds, to be accounted for in the usual manner, shall be drawn annually from the Public Treasury by warrants signed by the President, for the purpose of carrying out the provisions of this Ordinance: Provided always, that the salary of the aforesaid Inspector and Head Master shall not be less than One hundred and eighty

pounds, and not more than Two hundred pounds per annum, to be disbursed and paid to him in the usual manner in equal monthly payments.

XIII. That nothing in this Ordinance contained shall be construed to authorize the Board of Education, established by virtue of this Ordinance, to interfere with any schools which are not supported by the public funds of these islands. with Schools not supported from Public Funds.

XIV. That it shall be lawful for the President, and he is hereby required to nominate as a member of the Board of Education any recognized minister of the Church of Scotland, so soon as such a minister shall be appointed to officiate at any of the islands within the Presidency; and for which purpose it shall be required of the President to keep one seat vacant in aforesaid Board until a minister of the Church of Scotland can be nominated a member of the said Board as herein provided.

XV. That in the event of the death or absence of one or more members of the Board, or in the event of any member or members refusing to act, or voluntarily absenting himself or themselves from several successive meetings of the said Board, it shall be in the power of the President for the time being to nominate and appoint one or more laymen to act in the stead of any such member or members as aforesaid: Provided always, that such nomination shall only be valid and in full force (and no longer) until the provisions contained in the first and fourteenth clauses of this Ordinance can be complied with by the re-appointment of such a member or members of the Legislative Council, or of such minister or ministers as may be required to constitute the Board as provided for in the aforesaid clauses.

XVI. That it shall be lawful for the President to draw by warrant, in the usual manner, from the Public Treasury of these islands, a sum not exceeding Seventy pounds, to be remitted to England in such a manner as shall be decided upon by the Secretary of State, to be paid to the said Master as a passage allowance from England to these islands: Provided always, that should the aforesaid Head Master resign or be dismissed for misconduct before three years after the date of his arrival at these islands, it shall be required of the said Head Master to refund and pay into the Public Treasury the whole or a portion of the said allowance, as shall be decided upon by the President in Council; and that to provide more effectually for the observance of this proviso, it shall be required of the said Master, before he leaves England, to enter into a good and sufficient bond, to be renewed on arrival at these islands, that he shall refund in the manner and for the reasons aforesaid, the whole or a portion of his passage allowance as shall be required of the said Head Master by the President in Council.

XVII. That the Members of Council and Justices of the Peace for these islands shall have authority to visit, at any time, all schools established under this Ordinance. Justices of the Peace to be visitors of Schools.

XIX. That nothing herein contained shall be of any force or effect until Her Majesty shall have assented hereto, or the sanction of the Governor-General of Jamaica to the immediate operation of the same shall have been obtained, nor until such assent or sanction as aforesaid shall have been signified by Proclamation, nor until a day to be in such Proclamation fixed for the commencement thereof.

No. 1.
Ord. No. 4,
1853.

Board of
Education not
to interfere

Whenever a
minister of the
Church of
Scotland shall
be appointed at
these islands, to
be a Member of
the Board.

The death
or absence of
Members of
the Board of
Education of
provided for.

Passage allow-
ance for In-
specter and
Head Master
provided for.

Members of
Council and
Justices of the
Peace to be visitors of Schools.

When the
operation of
this Ordinance
to take effect.

PART VII.

CLASS I.—PUBLIC MARKET.

CLASS II.—WEIGHTS AND MEASURES.

CLASS III.—WHARFAGE AND STORAGE.

CLASS I.

PUBLIC MARKET.

No. 1.
Act 10 Vic.
c. 6.

No. 1.—10 Vic. ch. 6. *An Act for the Establishment and Regulation of a Public Market at Grand Cay, Turks Islands.*
(26th Feb., 1847.)

PREAMBLE.

WHEREAS a public market is about to be established at Grand Cay, Turks Islands, and it is expedient that certain provision should be made by law, in aid of and for the proper regulation of such Market; May it therefore please your Majesty that it may be enacted, and be it enacted by His Excellency George Benvenuto Mathew, Esquire, Governor and Commander-in-chief in and over the Bahama Islands, the Legislative Council and Assembly of the said Islands, and it is hereby enacted and ordained by the authority of the same; That when and so soon as a fit and proper market has been erected at Grand Cay, Turks Islands, aforesaid, it shall be the duty of the Crown Commissioner to grant a certificate thereof under his hand and seal, and to cause such certificate to be recorded in the office of the Deputy Secretary at Grand Cay aforesaid; and from and immediately after such certificate shall be so granted and recorded, the said market shall be deemed and held to be established, and the said market shall from thenceforth be the only market within Grand Cay aforesaid for selling and exposing for sale butchers' meat, fish, vegetables, and fruit; and if any person shall, after such market is established as aforesaid, sell or offer for sale any butchers' meat, fish, vegetables, or fruit, within Grand Cay, aforesaid, in any place other than such market, every such person shall, on being convicted thereof, forfeit and pay a sum not exceeding Ten shillings, and not less than One shilling.

Mode of establishment of Market.

Regulation.

Market to be under control of the Governor.

II. And be it enacted, That the said market shall be under the superintendence and control of the Crown Commissioner for the time being, at the said Turks Islands, who is hereby authorized and empowered, from time to time, to make rules and regulations for the government of the said market, and to fix and establish rates of stallage, wharfage, and slaughterage.

CLASS II.

WEIGHTS AND MEASURES.

No. 1.—ORDINANCE No. 10 of 1855.

No. 1.
Ord. No. 10,
1855.

An Ordinance to prevent abuses by False Scales, Weights, and Measures within this Presidency. (Passed 30th Oct., 1855. Confirmed 20th March, 1856.)

WHEREAS great frauds, deceits, and abuses may be committed by persons using false weights and measures; for prevention whereof, May it please the Queen's Most Excellent Majesty, that it may be ordained by His Honour JAMES MISICK, Esquire, Senior Member of Council administering the Government of the Turks and Caicos Islands, and the Legislative Council of the said islands, under the supervision of the Captain-General and Governor-in-Chief, in and over the Island of Jamaica; and it is hereby ordained by the authority of the same,

PREAMBLE.

I. That there shall be provided at the public expense sets of Imperial Standard weights and measures, which shall be deposited and kept at each of the Police Offices within these islands, by which all weights and measures hereafter used in buying or selling shall be compared and tried; and such weights and measures shall, during office hours, be open to inspection on payment of One shilling to the Chief Constable. And all weights and measures, when so compared and tried, if correct, shall be stamped or marked by the said Chief Constable, who shall be responsible for the safe keeping and good order of the weights and measures in such Police office: Provided always, that the bushel measure for the sale of salt shall contain thirty-five imperial wine quarts.

Sets of English standard weights and measures to be provided.

II. That every person who shall sell any articles whatever usually sold by weight or measure, by any other weight or measure except such as shall be stamped or marked, and shall correspond with the weights and measures kept at the Police Office, shall be liable to such penalty as is hereinafter provided. And it shall be the duty of the Police and Assistant Police Magistrates in their respective districts, at least once in every three months, to cause all scales, weights, and measures, used in such districts for the purpose of selling by retail, to be inspected and tried by some constable, and if any such scales, weights, or measures shall be found to be false, or not to agree with the weights and measures aforesaid, the same shall be seized and conveyed to the Police Office of such district, subject to such order as the Magistrate for the district may make with reference thereto. And the person in whose store or shop the same shall be found, shall be liable to such penalty as is hereinafter provided: Provided that nothing herein shall be construed to prevent any constable at any time from inspecting any such scales, weights, or measures which he may have cause to suspect are false or deficient, and dealing with the same as is hereinbefore directed.

Penalty for selling with weights and measures other than stamped weights and measures.

III. That upon affidavit made before a Justice of the Peace by any credible witness that any person engaged in trade makes use of false and fraudulent scales, weights, or measures, it shall be lawful

Warrant to search for false weights or measures.

No. 1.
Ord. No. 10,
1855.

Offences how
tried.

Penalty on
conviction.

Penalties, how
applied.

Act repealed.

for such Justice to grant a warrant to search the shop or store of the person charged, and try all the scales, weights, and measures found therein, and thereupon to proceed in the manner directed by the last preceding section.

IV. That the Police and Assistant Police Magistrates shall have power to hear, try, and determine the offences in the preceding clauses enumerated; and every person convicted of any such offence shall be liable to a penalty not exceeding Five pounds, and in default of payment, to imprisonment not exceeding Thirty days; and if an old offender, hard labour may be added to such imprisonment.

V. That all fines and penalties when recovered shall be applied to the use of Her Majesty, her heirs, and successors, to be applied towards the support of the government of these islands.

VI. That all that Act of the General Assembly of the Bahamas known as the 7th Wm. 4, Chap. 13, shall be henceforth repealed.

CLASS III.

WHARFAGE AND STORAGE.

No. 1.
Act 9 Vic.
c. 8.

No. 1.—9 Vic. ch. 8. *An Act for regulating the Rates of Wharfage, Storage, and Scalage.* (4th March, 1846.)

I. That from and after the expiration of the said-recited Acts, the charge of wharfage for the landing of any articles on any abutment or wharf, from or for shipments on board of any vessel, and of rent or storage for the receiving and safe keeping of any such articles in any warehouse, store, or cellar, shall not exceed the rates mentioned in the Schedule to this Act annexed, marked respectively A and B, under a penalty of Ten pounds, to be recovered as herein-after provided, at the suit of the party aggrieved, over and above the forfeiture of the charges of wharfage or storage, or both, for which any conviction shall take place.

II. Provided always, and be it enacted, That after any article liable to the payment of storage under this Act shall have remained in any warehouse, store, or cellar licensed for the bonding of goods, subject to duty under any Imperial or Colonial law for the period of one calendar month, then, and in every such case, it shall be only lawful to charge for the continued storage of such article beyond the said period of one calendar month, at and after a rate equal to one half of the rate specified in Schedule B, as referring to such particular article, under the same and the like penalties for an overcharge as are set forth in the next preceding clause.

III. That the proprietor or proprietors of any wharf or abutment used for the landing of merchandise for hire, shall, and he and they are hereby required to keep the same in good order, and properly furnished with a crane, sheers, or other appropriate and adequate means for facilitating the landing of such merchandise, under a penalty of Ten pounds for default or neglect, in addition to the liability to make good any loss or damage that may be sustained by any person or persons by reason of such default or neglect.

IV. That the proprietor or occupant of any warehouse or store,

Articles re-
maining above
a month in a
bonded ware-
house liable
to only half
storage after-
wards.

Duty of the
proprietors of
wharves to
have a crane,
&c.

by whom merchandise or other articles shall be received and kept for hire, shall be responsible for the safety of everything deposited therein, on which warehouse rent shall be chargeable, and for all damage to the same arising from want of due care on the part of such proprietor or occupant, or from the defective state of the building; except, however, the loss or damage occurring from fire, storm, robbery by forcible entry, and other causes, beyond the control of such proprietor or occupant.

V. That the expense of putting into, and of the delivery from any such store, warehouse, or cellar, of any articles, shall be borne by the owner of such article.

VI. That the charge for the use of any scale, beam, or other machine used for weighing, on any wharf or abutment, or in any store, warehouse, or cellar let on hire, shall not exceed the rate specified in the Schedule marked C.

VII. That the penalties imposed by this Act shall be recovered in any Court in which debts of the same amount may be sued for and recovered, and shall, on recovery, be paid into the Public Treasury in aid of the revenue of the colony.

VIII. That the provisions of this Act shall extend to the Turks Islands, and the other islands of this Government, in the same and the like manner as if such islands were specially named in the preceding sections.

IX. That this Act to continue in force for ten years from the commencement thereof, and until the end of the then next session of the General Assembly, and no longer.

No. 1.
Act 9 Vic.
c. 8.

Responsibility
of proprietor of
warehouses for
goods deposited
therein.

The owner of
goods liable for
the expenses
thereon.
Rate of
scalage.

Penalty pay-
able to Public
Treasury.

Acts extended
to Turks
Islands, &c.

Duration.

SCHEDULE A.

RATES OF WHARFAGE.

	£	s.	d.
Kegs, boxes, jars, jugs, and other small packages of less solid contents than two feet, or weighing less than 56 lbs., if weight be greater in proportion than bulk	0	0	0½
Half-barrels, firkins, kegs, boxes, bales, bags, seroons, demijohns, and other packages, measuring two and less than five cubic feet, or weighing 56 lbs. and less than one cwt., if weight be greater in proportion than bulk	0	0	0½
Barrels, boxes, bales, and other packages, measuring five, and less than ten cubic feet, or weighing one cwt., and less than 3 cwt., if weight be greater in proportion than bulk	0	0	1
Tierces, casks, boxes, bales, and other packages, measuring ten and not more than twenty cubic feet, or weighing 3 cwt. and not more than 6 cwt., if weight be greater in proportion than bulk	0	0	2
Hogsheads, puncheons, pipes, and bales, boxes, crates, and other packages, measuring more than twenty and less than thirty cubic feet, or weighing more than 6 cwt. and less than 10 cwt., if weight be greater in proportion than bulk	0	0	3
All packages measuring more than thirty cubic feet, or weighing more than 10 cwt. and less than one ton, if weight be greater in proportion than bulk	0	0	4

		£	s.	d.
No. 1. Act 9 Vic. c. 8.	All packages weighing more than one ton, at per ton	0	0	5
	Lumber and scantling, per 1000 superficial feet ..	0	0	3
	Mahogany, cedar, and other timber, per 1000 feet superficial	0	0	6
	Metals, in bar, rod, or pig castings, ore, per ton ..	0	0	3
	Chain cables and anchors, per ton	0	0	6
	Hides, per 100	0	0	8
	Coals in hogsheads	0	0	3
	Ditto, loose per ton	0	0	6
	Dye woods, and other woods sold by weight, per ton ..	0	0	6
	Bricks, per 1000	0	0	6
	Shingles, per 1000	0	0	3
	Staves, per 1000	0	0	6
	Carriages, carts, or waggons, each	0	0	4
	Wheels of carts, or waggons, each	0	0	0½
	Oars, shovels, &c., per dozen	0	0	1
	Chairs, per dozen	0	0	4
	Cordage, per cwt.	0	0	0½

SCHEDULE B.

TABLE OF RATES OF STORAGE, PER WEEK.

1. Kegs, jars, demijohns, boxes of candles, soap, raisins, prunes, and other small packages, measuring not more than two cubic feet, and containing dry articles, or liquids, in bottles 0 0 0½
2. Kegs containing lard, butter, pickled meats, or fish, oil, wine, and other liquids, in bulk, and all articles liable to leak or drain, not exceeding two cubic feet 0 0 0½
3. Half-barrels, firkins, kegs, bags of coffee, cocoa, pimento, rice, corn, and oats, and boxes, bales, and other packages, containing dry articles or liquids in bottles, measuring more than two and less than five cubic feet 0 0 0½
4. Half-barrels, kegs, and firkins, and other packages of the same dimensions as above, containing pickled meats or fish, unrefined sugar, wine, spirits, oil, and other articles liable to leak or drain 0 0 0½
5. Barrels, boxes, bales, and other packages containing dry articles or liquids in bottles, measuring five and not more than ten cubic feet 0 0 1
6. Barrels containing wines, spirits, oil, and other liquids in bulk, pickled meats or fish, honey, and unrefined sugar, and other packages containing articles liable to leak or drain, measuring five and not more than ten cubic feet 0 0 0½
7. Tierces, boxes, bales, and other packages containing dry articles, or liquids in bottles, measuring ten and not more than twenty cubic feet 0 0 1½

	£	s.	d.	No. 1. Act 9 Vic. c. 8.
8. Tierces and other packages, measuring ten and not more than twenty cubic feet, containing unrefined sugar, pickled meats or fish, and other articles liable to drain, and hogsheads and casks, wine, spirits, molasses, and other liquids, containing sixty imperial gallons	0	0	2	
9. All packages exceeding twenty cubic feet and containing dry articles, or liquids in bottles, per forty cubic feet	0	0	4	
All packages exceeding thirty cubic feet, containing pickled meats, or fish, unrefined sugar, and other articles liable to drain, and puncheons and half-pipes wines and spirits, and other liquids, containing 100 imperial gallons	0	0	5	
Cordage, per cwt.	0	0	0½	
Bricks and shingles, per mille	0	0	6	
100 Hides	0	1	0	
Mahogany, cedar, and lumber, per 1000 feet superficial	0	0	4	
Every ton weight of ore, iron, lead, steel, copper, and other metals	0	0	3	
Every ton weight of fustic, yellow, and other woods ..	0	0	4	
Every ton of coals	0	0	5	

SCHEDULE C.

SCALAGE.

On every package weighing less than one cwt. ..	0	0	0½
On every package weighing over one and not exceeding 5 cwt.	0	0	0½
On every package weighing over five and not exceeding 10 cwt.	0	0	1
On every package weighing over ten and not exceeding 15 cwt.	0	0	1½
On every package weighing over fifteen and not exceeding 20 cwt.	0	0	2
On every ton of wood	0	0	2
On every ton of metal	0	0	2

PART VIII.

CLASS I.—LAWS RELATING TO TRADE AND REVENUE.

CLASS II.—LAWS WHICH REQUIRE THE PAYMENT OF FEES INTO THE
TREASURY IN AID OF REVENUE.

CLASS III.—SEAMEN.

CLASS IV.—WRECKING VESSELS.

CLASS V.—LIGHTHOUSE.

CLASS I.

LAWS RELATING TO TRADE AND REVENUE.

1ST DIVISION.—OFFICERS OF THE REVENUE DEPARTMENT, AND
COLLECTION OF THE REVENUE.No. 1.
Ord. No. 8,
1849.

No. 1.—ORDINANCE No. 8 of 1849.

*An Ordinance to provide for the Appointment of the Officers of the
Public Revenue, and for other purposes. (Passed 10th July,
1849. Confirmed 5th Nov., 1851.)*

PREAMBLE.

The present
sub-collector
and Colonial
Receiver con-
tinued as Re-
ceiver-General,
and his sureties
as Colonial
Receiver con-
tinued in their
liability.

WHEREAS by an Ordinance passed in the present session of the Legislative Council of these islands, a certain Act of the Imperial Parliament for imposing duties of Customs was repealed, which said Ordinance is to take effect at a certain period mentioned in such Ordinance, and whereas it is expedient to provide for the appointment of the officers to be engaged in collecting the Public Revenue of these islands after that period, and for other purposes connected therewith; We therefore, your Majesty's most dutiful and loyal subjects, the President and the Legislative Council of your Majesty's Turks and Caicos Islands, do most humbly beseech your Majesty that it may be ordained; And be it, &c., That the person at present holding the united offices of sub-collector and Colonial Receiver of these islands, shall during Her Majesty's pleasure be deemed the Receiver-General of these islands, but nevertheless he and any persons who may have already become and be sureties for him as Colonial Receiver under and by virtue of the Acts 3 Geo. 4, ch. 12, and 8 Vic. ch. 40, shall remain, continue, and be subject to all liabilities to which he or they may be subject by the provision of those Acts; Provided that nothing herein contained shall be understood to prevent such officer from holding any office in connection with the department of Her Majesty's Customs which may be retained within these islands, or from receiving such additional stipend as may be attached to such office by the Lords of the Treasury.

Future vacancy
in that office to
be filled up by
the President.

II. That whenever the office of Receiver-General of these islands shall hereafter become vacant, either by death, resignation, or re-

No. 1.
Ord. No. 8,
1849.

Future Re-
ceiver-General
to give bonds
with sureties.

moval, it shall be lawful for the President of these islands to appoint a fit and proper person to be Receiver-General of these islands, who shall hold his office during pleasure.

III. That it shall not be lawful for any person hereafter to be appointed to be such Receiver-General as aforesaid, to receive any rate, duty, or tax, unless he shall have entered into bond (to be renewed as often as the President shall require) to Her Majesty, her heirs, and successors, with two or more good and sufficient sureties, in the sum of Two thousand pounds, or shall have entered into two several bonds to Her Majesty, her heirs, and successors, with two or more good and sufficient sureties to each of the two last-mentioned bonds, in the sum of One thousand pounds for each of such last-mentioned bonds; or shall have entered into four several bonds to Her Majesty, her heirs, and successors, with two or more good and sufficient sureties to each of the four last-mentioned bonds, in the sum of Five hundred pounds, and the condition of the said several bonds shall be as follows, viz. :—

“The condition of the above obligation is such, that if the above bounden A. B., Receiver-General of the Turks and Caicos Islands, shall well and truly account, as often as he shall be thereunto required by the President or officer administering the Government of the said islands for the time being, or by the Council, or any committee of such Council, as well during their recess as while in session, for all and every sum or sums of money which already have or hereafter shall come into his hands, under any Ordinance or Ordinances of the Legislature of the said islands, or otherwise, by virtue of his said office; and also shall pay all such sums of money, according to the intent and meaning, and to the persons and uses mentioned or directed in any such Ordinance or Ordinances, and shall use all due diligence for the collection of the revenue of these islands, and all arrears of the same which may at any time be or remain due and uncollected, and for recovery thereof, and shall in all respects faithfully discharge all the duties of him required, or to be required by law, then this obligation to be void, or else to remain in full force and virtue.”

Condition of
bond.

Which bond or bonds shall be taken by the Colonial or acting Colonial Secretary of these islands, who, after having registered the same, shall keep such bond or bonds in his custody; but before the said bond or bonds shall be entered into and executed as aforesaid, it shall be the duty of the Colonial Secretary as aforesaid, or his lawful deputy, and he is hereby authorized and required to administer an oath to each and every of such sureties, which shall be reduced to the form of an affidavit, and indorsed upon or annexed to the said bond or bonds respectively, and signed by the several deponents, and attested by the said Colonial or acting Colonial Secretary or his lawful deputy as follows (*that is to say*):—

TURKS ISLANDS.

“Before me, A. B.
the said islands, personally appeared, C. D. of
the said islands, one of the sureties named in the within (or annexed)
bond (or bonds), who being duly sworn, doth depose and say that
at the time of administering to him this oath, he, this deponent,
doth own and possess property equal in value to the sum of
pounds (or pounds or

(as the case may be) of Oath of sure-
ties.

2 a

No. 1.
Ord. No. 8,
1849.

Proviso.

Assessment
of damages on
default.

Proviso as to
subsequent de-
fault.

Oath of Re-
ceiver-General.

Receiver-
General to pro-
vide and keep
books of
accounts
for inspec-
tion of the
President,
Council, or
either of them,
or any Com-
mittee of the
Council.

pounds (*as the case may be*), of lawful money of the said islands, clear of all legal incumbrances, and over and above what may be sufficient to satisfy his just debts."

Provided always, that should any one surety be offered as such in any two or more of the said bonds, he may be admitted so to be and become, on his making affidavit in form aforesaid, as nearly as may be in duplicate, triplicate, or quadruplicate, as the case may be, to be indorsed upon or annexed to such bonds respectively, declaring himself, the said surety, worth property equal in value to the amount of the aggregate sum for which he shall be so bound as aforesaid, free of all legal incumbrances, and over and above what may be sufficient to pay and satisfy his just debts, and when any suit shall be prosecuted on any such bond or bonds, the jury may assess damages for the neglect or default of such Receiver-General, and a levy shall be made for no more than such damages so assessed, with full costs of suit, and no judgment or suit upon any one or more of such bonds shall operate as a bar to any other suit on any other such bond: Provided also, that if the Receiver-General shall make any other default or neglect, amounting to a breach of the condition of the said bond or bonds, a writ of inquiry of damages may be issued, and execution shall and may, from time to time, be sued out upon the judgment obtained upon the said bond or bonds, for the damages to be assessed by a jury for every such default or neglect.

IV. That any such Receiver-General hereafter to be appointed shall, before he enters upon the execution of his office, take and subscribe the following oath before the President in Council:—

"I, A. B., do solemnly and sincerely swear, that I will well and truly account, as often as thereunto required by the President or officer administering the government of these islands, for the time being, or by the Council, or any committee of such Council, as well during their recess as while in session, for all and every sum and sums of money which already have or hereafter shall come into my hands or possession by virtue of any Ordinance or Ordinances of the Legislature of these islands, or otherwise by virtue of the office of Receiver-General of the said islands; and that I will not be engaged, directly or indirectly, in trade in the said islands while I hold the said office; and also will well and truly pay all such sums of money according to the true intent and meaning of, and to the persons and uses mentioned or directed in, any such Ordinance or Ordinances, and that I will use all due diligence for the collection of the revenue of these islands, and for the recovery thereof, and in all respects, to the best of my ability, will faithfully discharge the several duties of me required, or to be required by law—SO HELP ME GOD."

V. That it shall be the duty of every Receiver-General from time to time to provide, at the public expense, durably bound books, for the use of the Revenue departments, wherein shall be fairly entered true, just, and particular accounts of all matters and transactions relating to the public revenue, with the particular dates of the sums received and paid, and that such accounts shall be ready for the inspection and examination of the President, Council, or either of them, or any committee of the Council, as well during their recess as while in session, when and as often as they or either of them shall require the same.

VI. And whereas in order that the duties payable under any Act of the Legislature of these islands, at the port of Salt Cay, may be duly collected, it is expedient that some fit and proper person should be appointed to act at that port, as Assistant Receiver-General, subject to the orders and control of the Receiver-General of these islands; Be it ordained, that it shall be lawful for the President from time to time to appoint, by commission under his hand and the public seal of these islands, some fit and proper person to be Assistant Receiver-General, at the said port of Salt Cay, of the rates, duties, and taxes imposed, or to be imposed by any Act or Acts, Ordinance or Ordinances of these islands, who shall hold his office during pleasure. And that before any such Assistant Receiver-General shall enter upon the execution of his office, he shall take and subscribe the following oath before the said President, to wit:—

"I, A. B., appointed Assistant Receiver-General for the port of Salt Cay, do swear that I will truly and faithfully discharge the trust reposed in me, as such Assistant Receiver-General, to the best of my ability; that I will not issue, dispose of, apply, or caused to be issued, disposed of, or applied, any moneys that may hereafter come into my hands as such Assistant Receiver-General, otherwise than is or shall be directed by some Act of the Legislature; and will keep true and faithful accounts of all moneys or effects that may come into my possession, or shall be issued and paid by me by virtue of the said office, with the times of my receiving and paying the same, and that I will not be engaged directly or indirectly in trade in the said islands while I shall hold the said office—SO HELP ME GOD."

And every such Assistant Receiver-General shall, before he enters upon the execution of his office, give a bond with two good and sufficient sureties to Her Majesty, her heirs, and successors, in the sum of One thousand pounds, of lawful money of these islands, with condition as follows, viz:—

"The condition of the above obligation is such, that if the above named shall truly and faithfully, to the best of his knowledge and ability, execute the office of Assistant Receiver-General for the port of Salt Cay; and shall once at least in every three months, pay or cause to be paid into the hands of the Receiver-General, or to his order, all public moneys in his hands, then this obligation to be void, but otherwise to remain in full force and virtue."

VII. That the Assistant Receiver-General for the port of Salt Cay shall have all the powers and authorities for collecting the Revenue of these islands at that port, and securing and enforcing the payment of the same, which now are or shall hereafter be given to the Receiver-General, respecting the collecting the revenue of these islands, or the securing and enforcing the payment of the same, by any Act or Acts, Ordinance or Ordinances of these islands already passed or hereafter to be passed; and such Assistant Receiver-General shall make up his accounts quarterly, and transmit the same, together with all public moneys in his hands to the Receiver-General, within ten days at the farthest, after the end of every quarter of the year. And whenever at any time, within any quarter of a year, the public money in the hands of such

No. 1.
Ord. No. 8,
1849.

President to
appoint Assist-
ant Receiver-
General at Salt
Cay.

His Oath.

And Sureties.

Condition of
their bond.

Assistant
Receiver-Gener-
al to have
same powers
for collecting
Revenue as
Receiver-
General.

To make up
his Accounts
and pay over
balances
Quarterly.

No. 1.
Ord. No. 8,
1849.

Penalty.

President
to appoint
Revenue Officer
at Cockburn
Harbour.

His Oath.

His Surety.

Condition of
Bond.

Sureties,
Oath, &c.

Bonds, how
enforced.

Secretary's
Fees.

Assistant Receiver-General shall amount to as much as (£100) One hundred pounds, he shall forthwith transmit the same to the Receiver-General; and for every default in any of the matters required of him by this section of this Ordinance, such Assistant Receiver-General shall forfeit and pay the sum of Fifty pounds.

VIII. That it shall and may be lawful for the President of these islands, and he is hereby authorized from time to time, as such office shall become vacant, to appoint a fit and proper person to act at Cockburn Harbour, East Caicos, as revenue officer, subject to the order and control of the Receiver-General of these islands, and before the said revenue officer shall enter on the duties of such office, he shall take and subscribe an oath to be administered to him, by some person or persons appointed for that purpose by the President of these islands; such oath to be as follows, to wit:—

“I, A. B., appointed revenue officer for the port of Cockburn Harbour, East Caicos, do swear that I will well and truly discharge the trust reposed in me as such revenue officer. I will not issue, dispose of, or apply, or cause to be issued, disposed of, or applied, any moneys that may hereafter come into my hands, otherwise than is or shall be directed by any Ordinance or Ordinances of these islands, and I will keep true and faithful accounts of all moneys or effects that may come into my possession, or shall be issued and paid by me, by virtue of any such Ordinances as aforesaid, with the times of my receiving and paying the same,—SO HELP ME GOD.”

IX. That such revenue officer shall be subject to the order and control of the Receiver-General of these islands, and before he shall enter on the execution of his office shall enter into bond to Her Majesty, her heirs and successors, with sufficient sureties, in such sum as may from time to time be fixed by the President in Council. And such bond shall have a condition thereunder-written to the following effect, to wit:—

“The condition of the above obligation is such, that if the said shall well and truly, to the best of his skill and knowledge, execute the office of revenue officer at Cockburn Harbour, and shall well and truly account for and remit to the Receiver-General of these islands, once in every three months, all moneys which have or may come into his hands by virtue of any Ordinance of these islands, then this obligation to be void, or else to remain in full force and virtue.”

X. That the bonds hereinbefore required to be given by the Assistant Receiver-General and revenue officer shall be taken by the secretary of these islands, and registered in his office, and kept in his custody, and the sureties in such bonds shall give proof of their sufficiency, in like manner as hereinbefore is provided with respect to the sureties in bonds to be given by the Receiver-General; and in case of any breach of the condition of any such bond given by any Assistant Receiver-General or revenue officer, such bond may be sued upon, and such and the like proceedings had therein, in like manner as hereinbefore is provided with respect to bonds to be given by the Receiver-General; and the secretary aforesaid shall be entitled to receive the sum of Ten shillings for his fees upon every bond to be given by any Receiver-General or other officer under the provisions of this Ordinance,

inclusive of registering the same, and taking the necessary affidavits, such fees to be paid by the officer giving such bond.

XI. That it shall be lawful for the President at any time when he shall see fit so to do, to require any Receiver-General or Assistant Receiver-General, or revenue officer, to give fresh bonds and securities according to the provisions of this Ordinance; and in all the said bonds taken under this Ordinance, the parties and their sureties shall be bound jointly and severally.

XII. That any future Receiver-General, Assistant Receiver-General, or revenue officer who shall ask, demand, or receive any rate, duty, or tax imposed by any Ordinance of the Legislature of these islands without having first given such security as aforesaid, and taken such oath as aforesaid, shall forfeit and pay the sum of Three hundred pounds.

XIII. And in order to insure the collection of duties at the out-ports, be it therefore ordained, that it shall and may be lawful for the President from time to time to appoint not more than six revenue officers for these islands, and every revenue officer so appointed shall be subject to the order and control of the Receiver-General or Assistant Receiver-General at the port for which he is appointed.

XIV. And whereas it may become desirable for a Receiver-General, Assistant Receiver-General, or revenue officer, on account of temporary ill health or urgent private affairs, to be permitted to leave these islands for a limited period of time; Be it ordained that in any such case it shall be lawful for the President to grant leave of absence to any such officer for any period of time not exceeding six calendar months, and in the mean time to appoint some fit and proper person to act for and perform the duty of such officer, during such temporary absence of the officer, which acting officer shall take the oath of office before the secretary or acting colonial secretary, and during such temporary performance of the duties of the office, shall have the same powers and authorities as the absent officer would have if he were present, and such acting officer shall be entitled to have and receive one half of the salary of the absent officer; and the other half of such salary shall be payable to such absent officer: Provided always that the bonds and securities given by such absent officer and his sureties shall remain in full force notwithstanding the absence of such officer, and may be sued upon and enforced in case of any breach of the condition by the acting officer, in like manner as if such breach had happened from the personal default of the absent officer: Provided also that every such acting officer shall give such surety or sureties, bond or bonds, as may be deemed sufficient by the President or officer administering the government, and the parties who may be sureties for the officer, permitted to leave these islands as aforesaid.

XV. And whereas from the arrival or departure of an unusual number of vessels about the same time, or from other temporary causes, it may happen that the ordinary number of revenue officers may be unable to afford reasonable despatch in their attendance upon the discharge or lading of vessels; Be it ordained that in any such case, it shall be lawful for the Receiver-General or Assistant Receiver-General to appoint one or more assistant revenue officers,

No. 1.
Ord. No. 8,
1849.

President
may require
fresh Bonds
and Securities.

Penalty on Re-
ceiver-General
or Assistant
Receiver-Gen-
eral or Reve-
nue Officer
and taking Oath.

President
to appoint
Revenue Offi-
cers.

Officers may
have temporary
leave of absence.

And their duty
to be performed
by acting
Officers.

Salary to be
divided.

Proviso,
Bonds and
Sureties to re-
main in force
during their
absence.

PREAMBLE.

Receiver-
General or
Assistant Re-
ceiver-General

No. 1.
Ord. No. 8,
1849.

may appoint
temporarily
Assistant Re-
venue Officers.

Their Powers.

Duties of
Revenue
Officers.

Hours of at-
tendance at
the Office.

And of Revenue
Officers.

Holidays.

Extra Hours.

How paid for.

(not exceeding two),* at any one time for the Port of Grand Cay, and two for the Port of Salt Cay, who shall be sworn in like manner as revenue officers are sworn, and while acting as such assistant revenue officers shall have the like powers and authority as revenue officers, and be entitled to the like protection; and every such assistant revenue officer, during the time that he actually serves in that capacity, to be certified in writing by the Receiver-General or Assistant Receiver-General, shall be entitled to receive out of the Public Treasury, upon a warrant from the President, the sum of Eight shillings for each and every day of such service.† Proviso repealed by Ord. No. 4, 1850, Sect. 7.

XVI. And whereas it is necessary to define the duties of the revenue officers appointed under this Act; Be it ordained that every such revenue officer or acting revenue officer shall attend to the boarding of all inward and outward bound vessels, for the purpose of making inquiries respecting the nature of their cargoes, and quantity of stores, and also to the prevention of articles being landed, without due entry of the same, and also to the checking of dutiable articles, and the making of certified returns on an authenticated copy of manifest, previously furnished to such revenue officer, or acting revenue officer, by the Receiver-General or Assistant Receiver-General, and also to the warehousing of goods, and to the delivery or shipping of the same; and further, that it shall be the duty of every such revenue officer or acting revenue officer to maintain a diligent supervision at the water-side, and to look after every matter and thing that shall in any way relate to the out-door service of the colonial revenue.

XVII. That the Receiver-General and Assistant Receiver-General shall give their attendance at their respective offices, on all working days, as follows:—(*that is to say*) from the hour of nine in the morning to the hour of four in the afternoon; and that the revenue officers who shall have to attend to the shipment or discharge of goods in or from ships—and the warehousing or delivery of goods from the warehouse—shall give their attendance to that duty from the hour of eight in the morning to the hour of five in the afternoon in every day; and that the following days and no other shall be allowed as holidays in every year (*that is to say*), Sundays, Christmas Day, and the day after Christmas Day, Good Friday, the day appointed for celebrating the Queen's birthday, and every day which shall be set apart, by authority of the President, as a day for a general fast or thanksgiving; and in case of emergency arising from the leaking of any vessel, or any other cause, if the master, or owner of, or agent for any ship or vessel shall require it, the revenue officer of the port shall be bound to attend for the discharge of his duty, at all extra hours, not before sunrise nor after sunset, and with the exception of one hour at noon for refreshment and relaxation; but in such case such master, owner, or agent shall be bound to pay into the hands of the Receiver-General or Assistant Receiver-General of the port One shilling and sixpence for every extra hour of such revenue officer's

* By Ord. No. 4, 1850, the number is unlimited. See *post* this part, No. 6, Sec. 5.

† By Ord. No. 4, 1850, this sum is altered to Four shillings and twopence. See *post* this part, No. 6, Sec. 5.

attendance, to be recoverable and paid over to such revenue officer in like manner as is by this Ordinance provided with respect to the day-pay of assistant revenue officers; and in case any such revenue officer shall attend as aforesaid during extra hours for less than any one entire hour, if such attendance be less than half an hour, he shall be allowed for half an hour's attendance, and if more than half an hour, but less than an entire hour, he shall be allowed for an hour's attendance.

No. 1.
Ord. No. 8,
1849.

XVIII. That if any Receiver-General, Assistant Receiver-General, revenue officer, or other person acting in any office or employment in relation to the collection of the revenue of these islands shall take or receive any fee, perquisite, gratuity, or reward, whether pecuniary or of any other sort or description whatever, directly or indirectly, from any person on account of anything done or to be done by him, or in any way relating to his office or employment, except such as he shall receive under the provisions of some Ordinance of the Legislature, every such officer or person so offending shall, on proof thereof to the satisfaction of the President in Council, be dismissed from his office; and if any person shall give, offer, or promise to give any such fee, perquisite, gratuity, or reward, such person shall for every such offence forfeit the sum of One hundred pounds.

Penalty on
Officers accept-
ing perquisites.

Or Person
offering them.

XIX. Repealed by Ord. No. 4 of 1851.

XX. That it shall be lawful for any person or persons appointed to that duty by the President from time to time to inspect and count the public money in the custody of the Receiver-General or Assistant Receiver-General.

Public Money
to be inspected
and counted.

XXI. That the police and other constables for these islands, and the port officer and his deputy, shall and may act in aid of the revenue officers of these islands for the prevention of smuggling, and they are hereby invested with the same powers for the prevention and detection of smuggling, and for the seizure of smuggled goods, wares, and merchandise, as any other officer of the revenue can legally exercise, and shall be entitled to the same protection in the execution of such duties as officers of the revenue now or hereafter may have.

Police Force and
Port Officer to
act in aid of
Revenue Officer.

Police Force
vested with
powers to pre-
vent Smuggling.

XXII. That when any goods or articles of any kind shall be seized by any constable, or by the port officer or his deputy, upon the same being condemned, such constable or port officer, or deputy port officer, shall be entitled to the same share of the proceeds of such property as any other revenue officer would be.

Police Force
and Port Officer
entitled to share
of proceeds of
seizures made
by them.

XXIII. And in order to carry out the provisions of this Ordinance with respect to warehousing articles imported for such purpose; Be it ordained that it shall be lawful for the President of these islands, and he is hereby authorized from time to time to appoint one of the revenue officers to act as warehouse-keeper, who shall also act as clerk in the Receiver-General's office.

One of the
Revenue Officers
to act as Ware-
house-keeper
and Clerk in
the Receiver's
Office.

XXIV. That all appointments to be made under the provisions of this Ordinance shall be subject to the restrictions contained in Her Majesty's instructions in such case imposed, and not otherwise.

All appoint-
ments subject
to restrictions
contained in

XXV. That the several officers hereinafter mentioned shall be entitled to have and receive from the Public Treasury of these islands salaries at and after the following rate, viz. :—

Her Majesty's instructions,
Officers' Salaries.

Receiver-General, 300*l.* per annum.

Assistant Receiver-General, 200*l.* per annum.

No. 1.
Ord. No. 8,
1849.

Persons sued
for Penalties,
required to
give Bail.

Revenue officer acting as warehouse-keeper and clerk to Receiver-General, 175*l.* per annum.

Revenue-officer at Cockburn's Harbour, 40*l.* per annum.

Other revenue officers, each 80*l.* per annum.

XXVI. That whenever any penalty shall be sued for under the provisions of this or any other Ordinance of the Legislature of these islands, relating to the revenue, against any person in the Superior Court, or any other Court of Record in these islands other than before Justices of the Peace), a *capias* may thereupon issue as the first process, specifying the amount of the penalty sued for; and such person against whom such *capias* shall issue shall be obliged to give sufficient bail thereupon for his appearance in the Court out of which such *capias* shall issue, at the return thereof to answer such suit and prosecution, and shall likewise at the time of such appearing give sufficient bail in the said Court to answer and pay all the forfeitures and penalties incurred for such offence in case he shall be convicted thereof, together with costs of suit, or to yield such offender to prison.

Officers sued
may plead the
general issue.

XXVII. That if the Receiver-General or any other person shall be sued for any matter or thing by him done in the execution of this Ordinance, it shall be lawful for him to plead the general issue, and to give this Ordinance and the special matter in evidence: and in case judgment shall pass for the defendant, or the plaintiff shall discontinue his suit or become nonsuited, the defendant shall recover treble costs.

Meaning of
certain words.

XXVIII. That whenever the terms or expressions following shall occur in this or any other Ordinance of the Legislature of these islands, relating to the revenue of these islands, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction, such terms or expressions shall be construed respectively as hereinafter directed (*that is to say*), the term "President" to mean the officer administering the Government for the time being; the term "ship" to mean ship or vessel generally; the term "master" of any ship to mean the person having charge or command of such ship; the term "owner" of any ship or of any goods to mean one owner, if there be only one owner, or any or all the owners, if there be more than one; the term "goods" to mean all kinds of goods, wares, and merchandise; the term "Her Majesty" to mean Her Majesty, her heirs, and successors; that whenever mention is made of any public officer, the officer mentioned shall be deemed to be such officer for the time being; that the term "warehouse" shall be construed to mean any place, whether house, shed, yard, timber-pond, or other place in which goods entered to be warehoused upon importation may be lodged, kept, and secured without payment of duty, or although prohibited to be imported for use in these islands; that the term "Queen's warehouse" shall be construed to mean any place provided for lodging goods therein for security of the revenue; and that wherever any such Ordinance of the Legislature hath used or shall use words importing the singular number or the masculine gender only, yet the Ordinance shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

XXIX. That this Ordinance shall come into operation when and so soon as a certain Ordinance passed in the present session of Council, entitled "An Ordinance to repeal certain Customs' Duties," shall take effect, and from the day that it so comes into operation the same shall continue and be in force until the first day of January, One thousand eight hundred and fifty-six, and from thence to the end of the then next session of the Legislature, and no longer.

No. 1.
Ord. No. 8,
1849.

Commence-
ment.

Duration.

No. 2.—ORDINANCE No. 4 of 1851.

An Ordinance to amend Ordinance No. 8 of 1849, to provide for the Appointment of the Officers of the Public Revenue, and for other purposes." (Passed 11th June, 1851. Confirmed 5th Nov., 1851.)

No. 2.
Ord. No. 4,
1851.

WHEREAS by an Ordinance which passed the Legislative Council of these islands on the 10th day of July, 1849, entitled, "An Ordinance, No. 8, 1849, to provide for the appointment of the Officers of the Public Revenue, and for other purposes therein mentioned," it is specified in the 19th clause of the aforesaid Ordinance that the Receiver-General and Assistant Receiver-General shall be allowed to rake or gather salt and to sell salt; and whereas the Lords of Her Majesty's Treasury, under date October 16th, 1850, have signified their disapproval of the provisions contained in the aforesaid clause as incompatible with the proper security of the public revenue or the due discharge of the public duties of the Receiver-General and assistant Receiver-General; May it, &c., That the 19th clause of the aforesaid Ordinance, No. 8, 1849, be repealed, and is hereby repealed accordingly.

PREAMBLE.

Disapproval
of 19th Section
of Ordinance
No. 8 of 1849.

Section re-
pealed.
Amendment.

II. That it shall not be lawful for the said Receiver-General and Assistant Receiver-General, or other revenue officer, to be interested or concerned, directly or indirectly, in any commercial business whatever, nor to trade in salt, nor to enter nor to clear any ship or vessel, nor to act as agent for the same.

III. And be it further ordained, that this Ordinance shall take effect and be in force so soon as the assent of the Governor-in-Chief thereto, or Her Majesty's confirmation thereof, shall have been duly proclaimed within these islands, and shall continue in force for and during the operation of the Ordinance which is hereby amended, and no longer.

Commencement
and duration.

No. 3.—ORDINANCE No. 6 of 1852.

An Ordinance for declaring the Island of West Caicos a Port of Entry, and for other purposes therein mentioned." (Passed 4th Sept., 1852. Confirmed 2nd April, 1853.)

No. 3.
Ord. No. 6,
1852.

WHEREAS an extensive salina, situated at the Island of West Caicos, has been recently surveyed, and which is likely to be a productive source of revenue, and of great benefit to these

PREAMBLE.

No. 8.
Ord. No. 6,
1852.

West Caicos
may be declared
a Port of
Entry.

The President
authorized to
appoint an
Assistant Re-
ceiver-General
for the said
Port.

Authority to
declare other
Ports as Ports
of Entry.

islands: and whereas it is deemed expedient and necessary that the Island of West Caicos aforesaid should be created a port of entry and warehousing port; Be it, &c.,

I. That it shall and may be lawful for the President or other Officer administering the Government, by and with the advice and consent of the Council, by proclamation, to declare the Island of West Caicos to be a port of entry, and in like manner to declare the same a warehousing port when necessary.

II. And whereas, for the due collection of the duties payable by virtue of any Ordinance or Ordinances, or other law or laws now or hereafter to be in force for that purpose, it is expedient that some fit and proper person should be appointed Assistant Receiver-General or revenue officer at the Island of West Caicos; Be it ordained, that it shall and may be lawful for the President of these islands, or other officer administering the Government, and he is hereby authorized, from time to time, as such office shall become vacant, to nominate and appoint by commission, under his hand and seal, some fit and proper person as Assistant Receiver-General or as revenue officer, to receive and collect the several rates, duties, and taxes imposed or to be imposed by any Ordinance or Ordinances, or other law or laws of these islands, at the Island of West Caicos; and in like manner, and for the like purposes, to nominate and appoint revenue officers for such other port or ports as are now or may be hereafter established within the colony, who shall be severally subject to the order and control of the Receiver-General, and who, before he or they, or either of them, enter upon the discharge of his or their duties, shall take and subscribe the like oath and enter into the like security as the Assistant Receiver-General at Salt Cay or the revenue officer for Cockburn Harbour, in the same manner as is provided for by Ordinance No. 8 of 1849.

III. That any Assistant Receiver-General or revenue officer, appointed under and by the authority of this Ordinance, shall be required to do and perform each and every matter and thing which is required to be done and performed by the Assistant Receiver-General at Salt Cay, or the revenue officer at Cockburn Harbour, East Caicos, as the case may be, under and by virtue of the provisions of Ordinance No. 8 of 1849, and every other Ordinance relating to the revenue, and be subject thereto as fully and completely as if he or they had in the said Ordinance or Ordinances been respectively named.

IV. And whereas it may hereafter become necessary to create ports of entry and warehousing ports at other places within these islands, be it therefore ordained, That it shall and may be lawful for the President or other officer administering the Government, by and with the advice and consent of the Council, from time to time, by proclamation, to create such place or places as may be thought advisable a port or ports of entry, by like authority, and in accordance with the provisions and conditions of Ordinance No. 7 of 1849, relating to the establishment and management of warehouses at the ports of Grand Turk and Salt Cay, to establish and appoint such warehouses at the Island of West Caicos, and at such other ports aforesaid as may hereafter be created.

No. 4.—ORDINANCE No. 7 of 1857.

An Ordinance to provide Fees for the several duties performed by the Registrar and Surveyor of Shipping of these Islands. (Passed 16th Sept., 1857. Confirmed 13th Feb., 1858.)

No. 4.
Ord. No. 7,
1857.

WHEREAS the duties of registrar of shipping, and of measuring surveyor of shipping are at present performed by certain colonial officers without any remuneration having been provided for the performance of such services, and it is expedient that a scale of fees should be established as remuneration therefor; May it therefore, &c., That upon the performance by the registrar of shipping and measuring surveyor of shipping of these islands of the duties in the Schedule hereunto enumerated, they shall respectively be entitled to demand and receive the fees fixed in the said Schedule for the performance of such duties respectively, such fees to be paid by the parties at whose request the said services shall be performed.

PREAMBLE.

SCHEDULE

FOR REGISTRAR OF SHIPPING.

	£	s.	d.
For registering a ship and granting certificate of registry	0	5	0
For each form of bill of sale or mortgage issued	0	1	0
For each form of declaration issued	0	0	6
For indorsing the names of owners upon certificate of registry on change of owners	0	2	0
For ditto on change of master	0	2	0
For each entry in the registry book relating to transfer by bill of sale	0	1	0
For ditto relating to mortgage	0	2	0
For transmitting particulars on application to transfer registry to another port	0	2	6
For granting a certificate of mortgage or sale	0	5	0
For sales or mortgages made before registrar under certificates of sale or mortgage	0	2	6
For each certified copy of documents under the 107th section of the Merchants' Shipping Act, 1854 ..	0	1	0
For inspection of the registry book	0	1	0

FOR MEASURING SURVEYOR.

Measurement of tonnage for each measured transverse section	0	7	6
Certificate of survey of identity when measurement of tonnage is not required	0	10	0

No. 5.—ORDINANCE No. 7 of 1849.

An Ordinance to provide for the Collection of the Revenue. (Passed 18th July, 1849. Confirmed 25th Feb., 1851.)

No. 5.
Ord. No. 7,
1849.

WHEREAS by an Ordinance passed in the present session of the Council of these islands, a certain Act of the imperial

PREAMBLE.

No. 5.
Ord. No. 7,
1849.

Acts repealed.

Master to report in writing on arrival of vessel and cargo before bulk is broken.

Penalty for false report.

Stranded or derelict goods to be reported.

Manifest to contain particulars of stranded goods.

Penalty for not reporting stranded or derelict goods.

Master of droghing vessel to report on arrival whether

Parliament for imposing duties of customs was repealed, which said Ordinance is to take effect at a certain period mentioned in such Ordinance ;—and whereas it is expedient to make provision for the more effectual collection of the revenue which may arise from duties to be levied under any Ordinance of these islands, We therefore, Your Majesty's dutiful and loyal subjects the Legislative Council of the Turks and Caicos Islands, do most humbly beseech Your Majesty that it may be enacted and ordained that the following Acts and parts of Acts be repealed :—3 George 4, chapter 12; 4 Victoria, chapter 6, sections 2 and 3; 7 Victoria, chapter 8; 8 Victoria, chapter 2; 8 Victoria, chapter 40; 9 Victoria, chapter 5; 9 Victoria, chapter 24; as also all other Acts having reference to the collection of the revenue or matters connected therewith.

II. That the master of every ship arriving at these islands, whether laden or in ballast, shall come directly, and before bulk be broken, to the office of the Receiver-General, and there make, subscribe, declare to, and deliver a report in writing to the Receiver-General or other proper officer of the revenue of these islands, of the arrival and voyage of such ship, stating her name, country, and tonnage; and if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such ship, and whether she be laden or in ballast; and if laden, the marks, numbers, and contents of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any and what goods (if any) had been unladen during the voyage as far as any such particulars can be known to him; and the master shall further answer all such questions concerning the ship and cargo, and the crew and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of One hundred pounds; and if any goods be not reported, such goods shall be forfeited.

III. That the master of every coasting or other vessel which shall come to or arrive at any of the islands within this Government with stranded or derelict goods on board, with intention to land or dispose thereof (whether such goods were got and taken up within or without the limits of this Government), shall report the same to the Receiver-General or other proper receiver in like manner as if such goods were regularly imported. And such master shall deliver a manifest of all such stranded or derelict property or goods laden on board such vessel, which manifest shall contain, as nearly as they can be ascertained, the quantity, quality, and particulars of the said goods and merchandise. And no stranded or derelict goods shall on any pretence be landed at any port of entry within these islands from any vessel until such report is made, a manifest delivered, and a permit for that purpose granted by the said Receiver-General or other proper receiver, on pain of forfeiting the said vessel and all the share and proportion of goods which shall or ought to belong to the person or persons concerned in such landing without a report and permit as aforesaid.

IV. That the master of every droghing, coasting, or other vessel belonging to the colony, arriving at any port or place in the colony from any other port or place within the same, whether laden or in

ballast, shall, within twenty-four hours after such arrival, attend at the office of the Receiver-General or other proper receiver, and there make a verbal report of the name of his vessel, where from, whether laden or in ballast, description of cargo (if any), which report shall be entered by such officer in a book to be kept for that purpose. And the master shall further answer all questions concerning the vessel, cargo, and voyage as shall be demanded of him at such office. And every master of any such vessel as last aforesaid who shall neglect to make such report, or who shall not answer truly the questions demanded of him, shall forfeit and pay the sum of (£50) Fifty pounds.

V. That the master of every ship bound from these islands shall, before such ship depart, make, subscribe, declare to, and deliver to the Receiver-General or other proper officer, an entry outwards under his hand of the destination of such ship, stating her name, country, and tonnage, and if British, the port of registry, the name and country of the master, the country of the owner, the number of the crew, and how many are of the country of such ship; and if any ship shall depart before such entry be made, the master of such ship shall forfeit the sum of Fifty pounds; and before such ship departs the master shall bring and deliver to the Receiver-General or other officer a content in writing, under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content, as far as any of such particulars can be known to him; and the master of every ship bound from these islands, whether in ballast or laden, shall, before departure, come before the Receiver-General or other proper officer, and answer all such questions concerning the ship and cargo, if any, and the crew, and the voyage, as shall be demanded of him by such officer, and thereupon the Receiver-General or other proper officer (if such ship be laden) shall make out and deliver to the master a certificate of the clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the ship shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of One hundred pounds.

VI. That no goods shall be stated in such certificate of clearance of any ship from these islands, to be the produce of these islands, unless such goods shall have been expressly stated so to be in the entry outwards of the same.

VII. That no goods shall be laden or water borne to be laden on board any ship, or unladen from any ship in these islands, until due entry shall have been made of such goods, and warrant granted for the lading or unlading of the same; and that no goods shall be so laden or unladen except in the presence or with the permission in writing of the proper officer, and that all goods laden or water borne or unladen contrary to the regulations of this Act shall be forfeited.

VIII. That the Colonial Secretary of these islands or his deputy at any out-port shall not deliver any clearance or ticket of departure for any vessel to depart these islands, until he shall be certi-

Colonial Secretary until Duties, &c., are paid.

No. 5.
Ord. No. 7,
1849.

in ballast or in
cargo.

Entry out-
wards of ship
for cargo.

Penalty.

Contents of
the Cargo.

Clearance
of ship for
voyage.

Penalty.

No goods to
be cleared as
Produce of
these Islands
entry Outwards.

Entry of Goods
to be laden or
unladen.

Regulations
inwards and
outwards.

Forfeiture.

Clearance
Ticket not to
be granted by
Colonial Secretary

No. 5.
Ord. No. 7,
1849.

Particulars
of Entry of
Goods inwards
and outwards.

fied that all duties due and payable from the master or owner of such vessel have been satisfied and paid under a penalty of (£50) Fifty pounds.

IX. That the person entering any goods shall deliver to the Receiver-General or other proper officer a bill of entry thereof, fairly written, and containing the name of the exporter or importer, of the vessel, of the master, of the place to or from which bound, of the place where such goods are to be laden or unladen, the particulars of the quality and quantity of the goods, and the packages containing the same, and the marks and numbers of the packages; and shall also deliver a duplicate of such bill, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such bill of entry shall be written and arranged in such form and manner, and the number of such duplicate shall be such as the Receiver-General or other proper receiver shall require; and such person shall at the same time (if such goods are not to be warehoused) pay down all duties due thereon, or, where credit is allowed, enter into and give the necessary security for the payment thereof; and the Receiver-General or other proper receiver shall thereupon grant his permit for the lading or unlading of such goods.

Form of Entry.

X. And whereas a certain degree of uniformity in the form of bills of entry will not only be productive of despatch to merchants in the entering of goods, and the paying of the duties thereon, but will also afford facility in the arranging and checking the accounts of the revenue; Be it ordained, that it shall be lawful for the Receiver-General or other proper officer to require every person entering goods to make such bill of entry in the form of the Schedule (A) hereto annexed, exhibiting the marks, descriptions, quantity, value, rate of duty, and amount of duty of or upon such goods in distinct columns, and classifying such goods so as to separate such as are liable to specific duties from such as are liable to an ad valorem duty, and from such as are duty free, or in such other form as such Receiver-General or other proper officer shall deem applicable to the particular case, and may require.

Entry inwards
by Bill of Sight.

XI. That if the importer of any goods shall make and subscribe a declaration before the Receiver-General or other proper officer that he cannot, for want of full information, make a perfect entry thereof, it shall be lawful for the Receiver-General or other proper officer to receive an entry by bill of sight, for the packages or parcels of such goods by the best description which can be given, and to grant a warrant thereupon, in order that the same may be landed and secured to the satisfaction of the Receiver-General or other proper officer, and at the expense of the importer, and may be seen and examined by such importer in the presence of the proper officer; and within three days after the goods shall have been so landed the importer shall make a perfect entry thereof, and pay down all duties due thereon which are payable immediately, and give security for all duties payable at any future time; and in default of such entry such goods shall be taken to the Queen's warehouse; and if the importers shall not within one month after such landing make perfect entry of such goods, and pay the duties due thereon, together with the charges of removal and warehouse rent, such goods shall be sold for the payment thereof, and the overplus (if any) shall be paid to the proprietors of the goods, or any other person authorized to receive the same.

Within three
days perfect
entry.

XII. That in all cases where the duties to be collected or payable under this Ordinance upon the importation of articles into these islands are charged, not according to the weight, tale, gauge, or measure, but according to the value thereof, such value shall be ascertained by the declaration made and subscribed before the Receiver-General or other proper officer by the importer of such articles or his known agent, specifying the kind of articles, packages, and invoice price thereof, inclusive of cost of packages, but exclusive of other charges, and that such invoice price was the true cost thereof at the place from whence the same were imported, inclusive of cost of packages, but exclusive of other charges, and the duty shall be charged and paid upon such invoice price: Provided always, that if it shall appear to the Receiver-General or other proper officer that such articles have been invoiced below the real and true value thereof at the place from whence the same were imported, or if the invoice price be not known, or cannot be ascertained, the value of the same in these islands shall be determined by two competent persons to be appointed for that purpose by the Receiver-General or other proper officer, and the duties shall be charged and paid thereon.

No. 5.
Ord. No. 7,
1849.

Goods subject
to ad valorem
duty.

Value how
ascertained.

XIII. That if the importer of such articles shall refuse to pay the duties thereon, it shall and may be lawful for the Receiver-General or other proper officer, and he is hereby required, to take and secure the same, with the casks or other packages thereof, and to cause the same to be publicly sold within the space of twenty days, at the most, after such refusal made, and at such time and place as such officer shall, by four or more days' public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising from the sale thereof shall be applied in the first place in payment of the said duties, together with the charges that shall have been occasioned by the said sale, and the overplus, if any, shall be paid to such importer or proprietor, or any other such person authorized to receive the same.

If importers
refuse to pay
the duty, goods
may be sold.

XIV. That whenever there shall be imported into any of these islands at one importation, and by the same importer, any goods, wares, or merchandise, or other articles as aforesaid, the duty upon which under this Ordinance shall amount to or exceed the sum of (£20) Twenty pounds, then, and in such case, it shall be lawful for the Receiver-General or other receiver to allow such importer or importers a credit for the same of six calendar months' bond to Her Majesty, with one or more sufficient sureties in double the amount of the duty so due, being first given and entered into by such importer or importers, conditioned for the payment at the expiration of the term of credit, of the full amount of the duty due and payable under and by virtue of this Ordinance.

Credit of six
months for
duties exceed-
ing £20.

XV. That if any goods which are rated to pay duty according to the number, measure, or weight thereof, shall receive damage during the voyage, an abatement of such duties shall be allowed in proportion to the damages so received, provided proof be made to the satisfaction of the Receiver-General or other receiver that such damage was received after the goods were shipped in the vessel importing the same, and before they were landed in the colony, and provided claim for such abatement of duties be made at the time of the first examination of such goods.

Abatement
of duties on
damaged goods.

No. 5.
Ord. No. 7,
1849.

How damage
of goods to be
ascertained.

XVI. That the Receiver-General or other receiver, in case any goods shall have been so damaged, shall examine such goods with reference to such damage, and shall state the proportion of damage which in his opinion the said goods have so received, and may make a proportional abatement of duties; but if the Receiver-General or other proper receiver shall be incompetent to estimate such damage, or if the importer be not satisfied with the abatement made by such officer, such officer shall appoint two competent persons having no interest in the special matter to be decided, and experienced in the nature and value of such goods, who shall examine the same, and shall make and subscribe a declaration, stating in what proportion, according to their judgment, such goods are lessened in value by reason of such damage, and thereupon such revenue officer may make an abatement of the duties in proportion to the damage so declared by the competent persons aforesaid.

Drawback of
ninety per cent.
of duty exporta-
tion of goods
when duty ex-
ceeds £5.

XVII. That there shall be allowed upon the exportation from these islands to any port or place without the limits of the same, of any goods, wares, or merchandise, on the first importation of which all duties due thereon have been satisfied and paid, a drawback of ninety per cent. of such duty; provided that no such drawback shall be allowed when the amount thereof would be less than (£5) Five pounds. And it shall be necessary for the importer to show to the satisfaction of the Receiver-General or other receiver of the port from which such goods, wares, or merchandise, or other articles are intended to be exported, that the whole of the duty due and payable under any Ordinance of these islands, upon the importation into the said islands of such goods, wares, merchandise, or other articles, has been duly paid or secured to be paid, and that such goods, wares, and merchandise or other articles, are those actually on board of some vessel for the purpose of being exported beyond the limits of this Government.

No drawback
unless the
goods be shipped
in same pack-
ages.

XVIII. That no such drawback as aforesaid shall be allowed unless the goods, wares, merchandise, or other articles, upon which such drawback is claimed, shall have been shipped for exportation in the same vessel or package in which they were imported, unless such vessel or package shall have become unserviceable, in which case it shall be necessary, to entitle the exporter to the drawback aforesaid, that the said goods, wares, merchandise, or other articles shall have been transferred to, and shipped for exportation in other vessels or packages of the like description and capacity as the original vessels or packages, of such other size as the said Receiver-General or other receiver may expressly sanction, but containing, whether the size of such vessels or packages be greater or smaller than the original packages, the whole of the contents thereof.

Goods reim-
ported to pay
original duty.

XIX. That if any goods, wares, merchandise, or other articles as aforesaid, for which a drawback may have been allowed as aforesaid, shall be reimported, such goods, wares, merchandise, and other articles as aforesaid, shall be liable to the same duties and regulations as are herein imposed upon such goods, wares, merchandise, and other articles on the first importation thereof, and if any such goods, wares, merchandise, or other articles shall be re-landed in a fraudulent and clandestine manner, the same shall be forfeited, and every person concerned in such fraudulent and clandestine landing shall forfeit and pay the sum of £50. One moiety

Penalty £50.

whereof, shall be paid to Her Majesty to be applied to the support of this Government, and the other moiety thereof to the informer.

XX. That every importer of any goods shall, within twenty days after the arrival of the importing ship, make due entry inwards of such goods; and in default of such entry it shall be lawful for the officer of the revenue to convey such goods to the Queen's warehouse; and if the duties upon such goods be not paid within thirty days after such twenty days shall have expired, together with all charges of removal and warehouse rent, the same shall be sold, and the produce thereof shall be applied first to the payment of freight and charges, next of duties, and the overplus, if any, shall be paid to the proprietor of the goods, or any other person authorized to receive the same.

XXI. That no goods shall be imported into these islands, as being imported from the United Kingdom or from any other British possession (if any advantage attach to such distinction), unless such goods appear upon the cockets, or other proper documents for the same, to have been duly cleared outwards at the port of exportation in the United Kingdom, or in such other British possessions, nor unless the ground upon which such advantage be claimed be stated in such cocket or document.

XXII. That no goods shall, upon importation into these islands, be deemed to be of the growth, production, or manufacture of the United Kingdom, or of any British possession in America, or in the Mauritius, respectively, unless imported from the United Kingdom, or from some British possession in America, or in the Mauritius respectively.

XXIII. That no entry nor warrant for the landing of any goods, or for taking of any goods out of any warehouse, shall be deemed valid, unless the particulars of the goods and packages in such entry shall correspond with the particulars of the goods and packages purporting to be the same in the report of the ship or in the certificate or other document (where any is required) by which the importation or entry of such goods is authorized; nor unless the goods shall have been properly described in such entry by denominations, and with the characters and circumstances, according to which such goods are charged with duty or may be imported; and any goods taken or delivered out of any ship, or out of any warehouse by virtue of any entry or warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited.

XXIV. And whereas it is expedient to make regulations for the appointing of proper warehouses at the ports of Grand Cay and Salt Cay, and for the lodging and securing goods therein; Be it therefore ordained, that it shall be lawful for the President, by and with the advice of the Council, by notice in writing under his hand, to appoint from time to time such warehouses at the said ports respectively as shall be approved of by the said President, by and with the advice of the Council, for the free warehousing and securing of goods therein for the purpose of this Ordinance; and also in such notice to declare what sort of goods may be so warehoused; and also by like notice to revoke or alter such appointment or declaration; and every such notice shall be published, at the public expense, for three successive weeks.

No. 5.
Ord. No. 7,
1849.

If goods be not entered within 20 days, Officer may secure them.

And if the duties be not paid within 30 days, further goods may be sold.

Goods imported as from the United Kingdom, or British Possessions must appear on cocket, &c.

Goods when to be deemed of the growth of the United Kingdom.

Entry not valid, if goods not properly described.

Warehouses to be appointed at Grand Cay and Salt Cay.

No. 5.
Ord. No. 7,
1849.

Storage of
Goods in
Warehouse.

Locking and
opening of
Warehouse.

Bond upon
entry of goods
to be ware-
housed.

Purchaser may
give fresh
Bond.

Goods not
duly ware-
housed, to be
forfeited.

Account of
Goods to be
taken on land-
ing.

XXV. That it shall be lawful for the importers of any such goods to warehouse the same in the warehouses so appointed, without payment of any duty on the first entry thereof, subject nevertheless to the rules, regulations, restrictions, and conditions hereinafter contained.

XXVI. That all goods so warehoused, shall be stowed in such parts or divisions of the warehouse and in such manner as the Receiver-General or other proper officer shall direct; and that the warehouse shall be locked and secured in such manner, and shall be opened and visited at such times, and in the presence of such officers, and under such rules and regulations as the Receiver-General or other proper officer shall direct; and that all such goods shall, after being landed, upon importation, be carried to the warehouse, or shall, after being taken out of the warehouse for exportation, or for stores, be carried to be shipped under such rules and regulations as the Receiver-General shall direct.

XXVII. That upon the entry of any goods to be warehoused, the importers of such goods, instead of paying down the duties due thereon, shall give bond, with two sufficient sureties to be approved of by the Receiver-General or other proper officer, in treble the duties payable on such goods, with condition for the safe depositing of such goods in the warehouse mentioned in such entry, and for the payment of all duties due upon such goods, or for the exportation thereof, or shipment thereof as stores, according to the first account taken of such goods upon the landing of the same: and with further condition, that no part thereof shall be taken out of such warehouse, until cleared from thence upon due entry and payment of duty, or upon due entry for exportation, or for shipment as stores for a foreign voyage; and with further condition, that the whole of such goods shall be so cleared from such warehouse, and the duties upon any deficiency of the quantity, according to such first account, shall be paid within two years from the date of the first entry thereof. And if after such bond shall have been given, the goods, or any part thereof, shall be sold or disposed of, so that the original bonder shall be no longer interested in or have any control over the same, it shall be lawful for the Receiver-General or other proper officer to admit fresh security to be given by the bond of the new proprietor or other person having control over such goods, with his sufficient sureties, and to cancel the bond given by the original bonder of such goods, or to exonerate him to the extent of the fresh security so given.

XXVIII. That if any goods which have been entered to be warehoused shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation, or for shipment as stores, from the warehouse, shall not be duly carried and shipped, or shall afterwards be re-landed, except with the permission of the Receiver-General or other proper officer, such goods shall be forfeited.

XXIX. That upon the entry and landing of any goods to be warehoused, the proper officer of the Colonial Revenue shall take a particular account of the same, and shall mark the contents on each package, and shall enter the same in a book to be kept for that purpose; and no goods which have been so warehoused shall be taken or delivered from the warehouse, except upon due entry and

under the care of the proper officer for exportation, or for stores, or upon due entry and payment of duty for home use; and an account shall be made out of the quantity upon which the duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the goods still remaining in the warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages (if any) which may have been abandoned for the duties; and if upon such account there shall in either case appear to be any deficiency of the original quantity, the duty payable upon the amount of such deficiency shall then be paid.

XXX. That it shall be lawful for the Receiver-General, or other proper officer under such regulations as he shall see fit, to permit moderate samples to be taken of any goods so warehoused without entry and without payment of duty, except as the same shall eventually become payable, as on a deficiency of the original quantity.

XXXI. That the duties payable on spirits by virtue of this Ordinance shall be charged on the actual contents of the vessel or package ascertained at the time the same may be entered for consumption from such warehouse; and in the case of spirits taken from the warehouse for exportation, the importer or party from whom bond shall have been taken for the duties thereon at the time of importation, shall not be held liable for the duties on any deficiency apparent in the contents of the vessel or package in which the same may be,—provided that there shall be no reasonable ground for suspecting that such deficiency has arisen from other causes than leakage or evaporation,—and provided further, that if upon the first importation of any spirits, the importer or importers shall pay the duties chargeable thereon, or shall enter into bond for the payment of the same, then there shall be allowed a deduction from the gauge of any such spirits of ten per cent.; and subject to the foregoing provision; an abatement of duties shall be also allowed on unrefined sugar, unmanufactured tobacco, wines, and other wet goods taken out of a bonded warehouse in due proportion to any deficiency or difference of weight which may have occurred from drainage, leakage, or other natural cause while in such warehouse.

XXXII. That it shall be lawful for the Receiver-General or other proper officer, under such regulations as he shall see fit, to permit the proprietor or other person having control over the goods so warehoused, to sort, separate, and pack, and repack any such goods; and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such goods, or in order to the sale, shipment, or legal disposal of the same; and also to permit any parts of such goods so separated to be destroyed, but without prejudice to the claim for duty upon the whole original quantity of such goods: Provided always that it shall be lawful for any person to abandon any whole packages to the officers of the revenue for the duties, without being liable to any duty upon the same.

XXXIII. That all goods which have been so warehoused shall be duly cleared, either for exportation or for home consumption, within two years from the day of first entry for the warehousing thereof; and if any such goods be not so cleared, it shall be lawful for the Receiver-General or other proper officer to cause the same

No. 5.
Ord. No. 7,
1849.

No Goods to
be taken out
without entry.

Deficiency to
be ascertained
and duty paid
thereon.

Samples may
be taken.

Duties on
Spirits payable
on actual con-
tents of Vessels.

Goods may
be sorted and
repacked.

Whole pack-
ages may be
abandoned.

Goods to be
cleared within
two years.

No. 5.
Ord. No. 7,
1849.

Officers may
board ships.

Penalty.

Authority to
search and
examine Ves-
sels.

Provision for
accommodation
for Revenue
Officers.

Writ of assist-
ance.

Forfeiture of
Boats, &c., used
in removing
Goods liable
to forfeiture.

to be sold, and the produce shall be applied, first, to the payment of the duties, next, of warehouse rent and other charges, and the over-plus (if any) shall be paid to the proprietor.

XXXIV. That it shall be lawful for the officers of the Colonial Revenue of these islands, and for all other officers who shall be duly appointed or engaged in the collection and securing of the revenue of these islands, to board any ship arriving at these islands, and freely to stay on board until all the goods laden therein shall have been duly delivered from the same; and such officers shall have free access to every part of the ship, with power to fasten down hatches and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if any place or any box or chest be locked and the keys be withheld, such officers, with the sanction of the Receiver-General or other principal officer of the revenue of the port, may open or cause to be opened any such place, box, or chest, in the best manner in his power; and if any goods be found concealed on board any such ship, they shall be forfeited; and if any such officer shall place any lock, mark, or seal upon any such goods on board, and such lock, mark, or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any such goods be secretly conveyed away, or if the hatches, after having been fastened down by the officer, be opened, the master of such ship shall forfeit One hundred pounds.

XXXV. That it shall be lawful in any case for any officer of the revenue department to go on board of any vessel coasting or droghing, or otherwise employed at any period of her voyage, and strictly to search and examine all goods, and demand all documents which ought to be on board of such vessel.

XXXVI. That the master of every ship or vessel on board of which any officer is stationed, shall provide for every such officer good and sufficient room under the deck for his bed or hammock and personal accommodation, and in case of refusal, shall forfeit the sum of Ten pounds.

XXXVII. That under the authority of a writ of assistance granted by the Superior Court or by the presiding Judge (which Court and Judge are hereby authorized and required to grant such writ of assistance upon application made to such Court or Judge for that purpose by the Receiver-General or other proper officer), it shall be lawful for the Receiver-General or any officer of the Colonial Revenue upon sufficient information on oath being first made, and taking with him a peace-officer, to enter any building or other place in the daytime, and to search for and seize and secure any goods liable to forfeiture under this or any other Ordinance relating to the revenue of these islands, and in case of necessity to break open any doors, and any chests or other packages for that purpose; and such writ of assistance, when issued, shall be deemed to be in force during the whole of the reign in which the same shall have been granted, and for twelve months from the conclusion of such reign.

XXXVIII. That all vessels, boats, carriages, and cattle made use of in the removal of any goods liable to forfeiture under this or any other Ordinance relating to the revenue of these islands shall be forfeited; and every person who shall assist, or be otherwise concerned in the unshipping, landing, or removal, or in harbouring

of such goods, or into whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of One hundred pounds at the election of the officers of the revenue; and the averment in any information or libel to be exhibited for the recovery of such penalty, that the officer proceeding has elected to sue for the sum mentioned in the information shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

XXXIX. That all goods and all ships, vessels, and boats, and all carriages, and all cattle liable to forfeiture under this or any Ordinance relating to the revenue of these islands, shall and may be seized and secured by any officer of the revenue, or by any person employed for that purpose, by or with the concurrence of the Receiver-General or other principal officer of the port; and every person who shall in any way hinder, oppose, molest, or obstruct any officer of the revenue, or any person so employed as aforesaid in the exercise of his office, or any person acting in his aid or assistance, shall for every such offence forfeit the sum of Two hundred pounds.

XL. That all things which shall be seized as being liable to forfeiture under this or any Ordinance relating to the revenue, shall be taken forthwith and delivered into the custody of the chief officer of the revenue at the port next to the place where the same were seized, who shall secure the same by such means and in such manner as shall be provided and directed by the President, and after condemnation thereof, such revenue officer as aforesaid shall cause the same to be sold at public auction to the highest bidder in accordance with such order as shall be made by the Court, before whom such articles shall be condemned.

XLI. That it shall be lawful for the President of these islands to make and issue such needful orders, regulations, and instructions to the Receiver-General or acting receiver and other revenue officers in relation to the collection of the revenue, and for granting facilities for the lawful prosecution of their business by merchants, shipmasters, and traders as shall be deemed expedient.

XLII. That no writ shall be sued out against, nor a copy of any process served upon any officer of the revenue of these islands, or other person acting in his aid, for anything done in the exercise of his office until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode by the attorney or agent of the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained, the cause of the action, the name and place of abode of the person who is to bring such action, the name of the attorney or agent; and no evidence of the cause of such action shall be produced, except such as shall be contained in such notice, and no verdict shall be given for the plaintiff unless he shall prove on the trial that such notice was given, and in default of such proof, the defendant shall recover in such action a verdict and costs.

XLIII. That it shall be lawful for such officers, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas; and if the jury shall find the amends sufficient, they shall give a verdict for the defendant, and in such case, or in case the plaintiff shall become nonsuited, or shall

No. 5.
Ord. No. 7,
1849.

Penalty on
Persons assist-
ing therein.

Goods, Vessels,
&c., liable to
forfeiture may
be seized.

Disposal of
goods seized.

President to
make rules for
guidance of
Revenue
Officers.

Notice of
suit against
Officers.

Officer may
tender amends.

No. 5.
Ord. No. 7,
1849.

Action to be
brought within
three months.

Judge may
certify probable
cause of seizure.

If the Judge
certify, the
damages to be
nominal.

Penalties on
collusive
seizure, bri-
bery, &c.

Obstructing
Officers by
force.

discontinue his action, or judgment shall be given for the defendant upon demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always that it shall be lawful for such defendant, by leave of the Court where such action shall be brought, at any time before issue joined, to pay money into Court as in other actions.

XLIV. That every such action shall be brought within three calendar months after the cause thereof, and the defendant may plead the general issue, and give the special matter in evidence, and if the plaintiff shall become nonsuited, or shall discontinue the action, or if upon a verdict or demurrer judgment shall be given against the plaintiff, the defendant shall recover treble costs, and have such remedy for the same as any defendant can have in other cases where costs are given by law.

XLV. That in case any information or suit shall be brought to trial on account of any seizure made under this or any Ordinance relating to the revenue of these islands, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the cause shall have been tried shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment, or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict shall be given against the defendant, the plaintiff, besides the thing seized, or the value thereof, shall not be entitled to more than Twopence damages, nor to any costs of suit; nor shall the defendant in such prosecution be fined more than One shilling.

XLVI. That in any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than Twopence damages, nor to any costs of suit.

XLVII. That if any officers of the revenue shall make any collusive seizure, or deliver up, or make any arrangement to deliver up, or not to seize any vessel, boat, or goods liable to forfeiture under this or any Ordinance relating to the revenue; or shall take any bribe, gratuity, recompense, or reward for the neglect or non-performance of his duty, every such officer shall forfeit for every such offence the sum of Five hundred pounds, and be rendered incapable of serving Her Majesty in any office whatever; and every person who shall give or offer, or promise to give, or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with any such officer to induce him in any way to neglect his duty, or to do, conceal, or connive at anything whereby the provisions of this or any Ordinance relating to the revenue of these islands may be evaded, shall forfeit the sum of Two hundred pounds.

XLVIII. That if any person shall by force or violence resist, oppose, molest, hinder, or obstruct the Receiver-General or any officer of the revenue in the exercise of his office, or any person acting in his or their aid or assistance, such person being thereof convicted, shall be adjudged a felon, and shall be liable to be im-

prisoned with or without hard labour, for such term as the Court shall think fit.

XLIX. That if any goods shall be seized for non-payment of duties, or any other cause of forfeiture, and any dispute shall arise whether the duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof shall lie on the owner or claimer of such goods, and not on the officer who shall seize or stop the same.

L. That if any goods, or any ship or vessel shall be seized as forfeited under this or any act relating to the revenue of these islands, and detained, it shall be lawful for the Judge or Judges of any court having jurisdiction to try and determine such seizure, to order the delivery thereof on security by bond, with two sufficient sureties to answer in double the value of the same in case of condemnation; and such bond shall be taken to the use of Her Majesty in the name of the Receiver-General; and such bond shall be delivered to and kept in custody of the Receiver-General; and in case the goods, or the ship, or vessel shall be condemned, the value thereof shall be paid into the hands of the Receiver-General, who shall thereupon cancel such bond. And the Judge or Judges of any Court before whom any goods so seized shall be prosecuted, may, if such Judge or Judges see fit, order the sale thereof, or of any part thereof, pending such prosecution, on application by the prosecutor or any claimant.

LI. That no claim to anything seized under this or any other Ordinance relating to the revenue of these islands, and returned into any of Her Majesty's Courts for adjudication, shall be admitted unless such claim be entertained in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his attorney or agent, by whom such claim shall be entered, to the best of his knowledge and belief; and every person making a false oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

LII. That no person shall be admitted to enter a claim to anything seized in pursuance of this or any Ordinance relating to the revenue of these islands, and prosecuted, until sufficient security shall have been given in the Court where such seizure is prosecuted, in a penalty not exceeding Sixty pounds, to answer and pay the costs occasioned by such claim; and in default of giving such security, such things shall be adjudged to be forfeited, and shall be condemned.

LIII. That it shall be lawful for the Receiver-General to sue for and recover any duty or tax imposed by any Ordinance of the Legislature of these islands relating to the revenue, to be received or collected by the Receiver-General, together with full costs of suit, and also for any penalty or forfeiture incurred under this Ordinance or any other such Ordinance as aforesaid, together with full costs of suit in any of the superior Courts of Record in these islands, by bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed: Provided always, that when any such duty, tax, penalty, or forfeiture shall not exceed the sum of Five pounds, and the Receiver-General shall think fit so to sue for the same—the same may be sued for and recovered, with costs of

No. 5.
Ord. No. 7,
1849.

Onus Probandi
to lie on the
claimant.

Bail may be
given for goods
or ships seized.

And sale
thereof may
be ordered.

Claim to thing
seized, to be in
the name of the
Owner.

No claim
admitted with
out security.

Receiver-
General to
recover duties
or penalties.

Proviso.

No. 5.
Ord. No. 7,
1849.

Seized goods
if unreclaimed
to be deemed
condemned.

Appraisement
of goods seized.

Prosecutions
for penalties
to commence
within six
months.

The President
may remit
Fines, &c., on
conditions to be
specified.

Bailable process
to issue for re-
covery of
penalties.

suit, before any Justice or Justices of the Peace, in like manner as debts not exceeding Five pounds may be sued for and recovered in ordinary cases.

LIV. That all vessels, boats, goods, and other things which shall have been, or shall hereafter be seized as forfeited under this or any other Ordinance relating to the revenue of these islands, shall be deemed and taken to be condemned, and may be dealt with in the manner directed by law in respect to vessels, boats, goods, and other things seized and condemned for breach of any such Ordinance, unless the person from whom such vessel, boats, goods, and other things shall have been seized, or the owner of them, or some person authorized by him, shall, within one calendar month from the day of seizing the same, give notice in writing to the Receiver-General that he claims the goods or other things, or intends to claim them.

LV. That the value of articles seized as aforesaid shall, for the purposes of the preceding section, be ascertained by two or more appraisers, for that purpose to be appointed by the Receiver-General or chief officer of the revenue, at the port where such seizure is made.

LVI. That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this or any Ordinance relating to the revenue may be commenced and prosecuted at any time within six months after such offence committed, any law, custom, or usage to the contrary notwithstanding.

LVII. That in case any boat, vessel, or goods shall be seized or detained as forfeited, or under a suspicion of fraud, or the master of any ship or vessel, or other person, shall have become liable to any penalty or imprisonment, by virtue of any Ordinance relating to the revenue, and the President of these islands shall deem it expedient that such vessel, boat, or goods should be restored, or the penalty should be mitigated or remitted, or that such person should be released from confinement, it shall be lawful for the President aforesaid to order and direct that such vessel, boat, or goods shall be restored, or such penalty or imprisonment be remitted, and to annex such terms and conditions as he thinks necessary; and if the proprietors of any such boat, or vessel, or goods, or the master of any vessel, or other person as aforesaid, shall accept the terms and conditions so offered, he or they shall not have or maintain any action for recompense or damage on account of such seizure, detention, or imprisonment, and the person making such seizure shall not proceed in any manner for condemnation, but every such seizure or penalty, or part thereof so remitted shall be null and void, and no suit or action shall be brought or maintained by any person whatever on account thereof: Provided, however, that no person shall be entitled to the benefit of any order for such delivery, mitigation, remission, or release, unless such terms and conditions are fully complied with.

LVIII. That whenever any penalty shall be sued for under the provisions of this or any other Ordinance of these islands relating to the revenue, against any person in any Court of Record, a *capias* may issue as the first process, specifying the amount of penalty sued for; and such person against whom such *capias* shall issue shall be obliged to give sufficient bail or security, by natural-born subjects or denizens, to appear at the return of such writ, and

No. 5.
Ord. No. 7,
1849.

answer such suit or prosecution, and shall also at the time of appearance give such sufficient security as aforesaid to answer and pay such penalties and forfeitures as may be incurred for such offence, in case conviction should ensue, or otherwise yield his, her, or their bodies to prison.

LIX. That in all cases of seizure prosecuted in the Superior Court, the presiding Judge of such Court shall decide and adjudicate therein, and the mode of proceeding in such cases shall be regulated by rules for that purpose to be made by such Judge, which rules, when framed, shall be published for general information.

Judge of the Superior Court to adjudicate on and make rules for prosecutions for forfeitures in said Court.

LX. That any case of seizure prosecuted in the Police Court, or before Justices as aforesaid, shall be regulated by rules to be framed for that purpose by the Police Magistrate, which rules, when approved of by the President of these islands, shall be published for general information.

Police Magistrate to frame rules for summary process to be approved of by the President.

LXI. That an appeal shall lie to the President in Council from the decision of the Judge or Justices, in any case of seizure prosecuted under this Ordinance, where such Judge or Justices shall decree the condemnation of the article seized: Provided that notice of such appeal be given within ten days after sentence pronounced, exclusive of the day of pronouncing the same, the mode of proceeding in appeal cases being regulated by rules to be framed for that purpose by the President of these islands.

Appeals from any decisions to the President in Council.
Provided notice given within ten days.

LXII. That it shall be lawful for the President of these islands, and he is hereby authorized, on the condemnation of any vessel, boat, or goods, or the recovery of any penalties under this or any other Ordinance of these islands relating to the revenue, to direct the distribution of the seisor's share of such vessel, boat, or goods, or any penalties or rewards that may be recovered on account of any seizure, in such manner as to enable any officer or officers, or other person or persons, through whose information or means such seizure shall have been made, or penalty recovered, or party apprehended, and who may be deemed to be so entitled to participate in such proportions as such President shall deem expedient.

The President to authorize and direct distribution of property seized.

LXIII. That all penalties and forfeitures under this or any other Ordinance of these islands relating to the revenue shall, when not otherwise directed, be distributed in manner following, viz. :—One-third part to Her Majesty, her heirs and successors, in aid of the support of the Government of these islands, one third part to the President for the time being, and the remaining part thereof to the person prosecuting for the same.

Distribution of seizures not otherwise directed.

LXIV. That all penalties and forfeitures collected under this Ordinance shall be appropriated and applied, in such manner only as shall be directed by any Ordinance now or hereafter to be made and passed within these islands.

Appropriation of duties.

LXV. That this Ordinance shall come into operation when and so soon as a certain Ordinance passed in the present session, entitled, "An Ordinance to Repeal certain Customs' Duties," shall take effect, and from the day that it so comes into operation shall continue and be in force until the first day of January in the year of our Lord One thousand eight hundred and fifty-six, and from thence to the end of the then next session of the Legislature, and no longer.

When this Ordinance to come into operation.

Duration.

No. 5.
Ord. No. 7,
1849.

FORM OF BILL OF ENTRY (SCHEDULE A).

PORT OF GRAND CAY, TURKS ISLANDS, 6TH JULY, 1850.

Imported in the British schooner "John Russel," James, Master,
from St. Thomas, the following articles:—

Marks.	Description.	Quantity.	Value.	Rate of Duty.	Amount of Duty.
A	Wine, Brandy, Gin, Unrefd. Sugar, Wheat Flour,	1 Pipe 100 Galls.	£ s. d. 60 0 0	At per Gall. " " " " " " " per cwt. " per bbl.	
		Imp. 1 Hhd. 60 galls.	20 0 0		
		2 Dmjns. 10 galls.	2 10 0		
		10 Bbls. Cwt. Qrs.	21 10 6		
		10 Bbls.	10 15 0		
			£114 15 6		
	Cotton goods, Linen goods,	3 Cases.	10 0 0		
		2 Trunks.	10 0 0		
			£20 0 0		

I, _____ do declare
the foregoing to be a true and correct entry of the goods imported
by me in the above-mentioned vessel, and of the quantity, value,
and other particulars of such goods.

(Signed)

(The particulars of this Schedule to be entered according to the
fact.)

RULES OF PROCEEDING FOR THE CONDEMNATION OF PRO- PERTY SEIZED AS LIABLE TO FORFEITURE FOR A BREACH OF THE REVENUE LAWS, MADE BY VIRTUE OF THE 69TH SEC. OF ORDINANCE NO. 7 OF 1849.

1. No claim to property seized can be entertained until the
claimant has complied with the provisions of the Ordinance No. 7
of 1849. If this is not done within one month from the date of
seizure, the property will thereby be forfeited.

2. Where a prosecution becomes necessary, a written statement
must be filed in the Prothonotary's office, in the nature of an
information, setting forth the quantity and value of the property
seized, the name of the owner, and the clause of the law by virtue
of which such seizure was made, concluding with a prayer for the
condemnation of the same. When property is seized under any
revenue law, for two or more distinct breaches of the same, such
breaches must be stated in separate counts.

3. A copy of the information must be furnished to each claimant,
with a notice in writing that an answer must be put in within ten
days, otherwise judgment by default will be given.

4. The answer is to be filed with the Prothonotary, and must

set forth the ground upon which it is contended that the property in question is not liable to forfeiture, and pray for its restoration.

5. If an answer is not put in in due time, the Judge, upon proof of such default, may at once give judgment that the property proceeded against is forfeited.

6. If the answer consists merely of a denial of the law, or of the fact as stated in the information, or of both, the case shall be at once at issue.

7. If the answer contain new matter, but not such as the prosecutor deems to be material, he may join issue without replying. Should he think fit to reply, he must do so within seven days. The reply must deny every allegation in the answer which is meant to be put in issue, and a copy of it be furnished to the claimant.

8. If the prosecutor desire to allege new matter in his reply, he must apply to the Judge for leave so to do, which may be granted upon such terms as the Judge shall think fit.

9. If the prosecutor does not join issue or reply in due time, or if, at the expiration of a week after the cause is at issue no day is fixed for hearing the same, the claimant may move for a hearing, and thereupon a day shall be fixed for that purpose unless good cause be shown to the contrary.

10. When the case is ready for hearing, on motion of the prosecutor, a day will be fixed by the Judge for that purpose, on which day the parties must appear at the Court House with their witnesses.

11. If default should be made by non-appearance of claimant, the Judge may hear the case ex-parte, or upon oath of the seizing officer, or other credible witness to the truth of the allegations contained in the information, he may at once decree forfeiture of the property.

12. If either party deviate from a strict adherence to these rules, the adverse party may, if he think fit, lay a statement in writing of such deviation before the Judge, who, having heard both parties, shall make such order therein as may be most conducive to the ends of justice.

No. 5.
Ord. No. 7,
1849.

No. 6.—ORDINANCE No. 4 of 1850.

An Ordinance to explain and amend certain parts of an Ordinance entitled, "No. 7, 1849—An Ordinance enacted, &c., to provide for the collection of the Revenue;" also an Ordinance entitled, "No. 17, 1849.—An Ordinance enacted, &c., to declare in force within these Islands a certain Act of the Bahama Legislature to repeal certain Duties of Customs, and further, for raising a Revenue for the support of the Government of these Her Majesty's Turks and Caicos Islands, and for other purposes therein mentioned, and for other purposes." (Passed 4th July, 1850. Confirmed 5th Nov., 1851.)

No. 6.
Ord. No. 4,
1850.

WHEREAS in and by an Ordinance entitled "No. 7, 1849—
An Ordinance enacted, &c., to provide for the collection of the Revenue," it was amongst other things enacted, that certain Acts and parts of Acts in such Ordinance specified should be re-

PREAMBLE.

No. 6.
Ord. No. 4,
1850.

Construction
of Ordinance
No. 7, 1849,
limited and
defined.

Officers in-
dennified for
collecting
certain sums
other than
Duties.

Security re-
quired for the
payment of
Import and Ex-
port Duties.

Clauses 12,
14, and 31 of
Ordinance No.
7, of 1849,
amended and
explained.

Clauses 15 and
17 of Ordina-
nce No. 8
amended.

Assistant Re-
venue Officers
to be appointed
temporarily.

pealed, as also all other Acts having reference to the collection of the revenue or matters connected therewith; and whereas it was the intention of the Council of the said islands that the said words should apply to such Acts and parts of Acts only as had reference to the imposition of any duty or tax upon the importation into or exportation from these islands, of any goods, wares, and merchandise; May it, &c., That the said words "as also all other Acts, having reference to the collection of the revenue or matters connected therewith," shall be deemed and taken to apply to such Acts only as have reference to the imposition of any duty or tax upon goods, wares, and merchandise imported into or exported from these islands.

II. And be it further ordained, that the Receiver-General and Assistant Receiver-General of these islands be, and they are hereby indemnified for having received and collected any sum or sums of money since the period when the said Ordinance came into operation other than duties leviable on the import or export of goods, wares, and merchandise as aforesaid.

III. And whereas the practice that has hitherto prevailed in these islands of lading and unlading vessels previous to the duties being paid upon goods imported or exported therein, upon proper security being given, has greatly facilitated the commerce of the same, without any detriment to the revenue; and whereas, no such provision now exists by law—except where goods are to be warehoused, or six months' credit given to importers, when the duties on imports amount to or exceed Twenty pounds; be it further ordained, that on the entry inwards, or outwards, as the case may be, at the office of the Receiver-General, or other proper officer, of any vessel arriving from or departing for any port or place without this colony, the master of such vessel shall enter into bond to Her Majesty at such office, with one or more sufficient sureties, to the satisfaction of the Receiver-General or other proper officer, conditioned for the payment within a reasonable time after the lading or unlading of the same, of all duties that may become due and payable upon such said vessel, or upon any goods at the time in her laden or to be laden, previous to her departure from these islands.

IV. And whereas in and by the said Ordinance, No. 7, certain provisions were made with respect to the payment of duties under that Ordinance, in sections twelve, fourteen, and thirty-one, and whereas no duties are made payable in and by the said Ordinance, and it is therefore expedient that the said errors should be amended; Be it therefore ordained, that in the above-recited clauses of the said Ordinance, the words "this Ordinance" shall be understood and taken to mean any Ordinance of these islands relating to the collection of the revenue.

V. And whereas, the clauses Nos. 15 and 17 of an Ordinance No. 8, 1849—entitled, "An Ordinance to provide for the appointment of Revenue Officers," are defective and require amendment; Be it therefore ordained, that it shall be lawful for the Receiver-General or Assistant Receiver-General to appoint any number of assistant revenue officers by virtue of the said fifteenth clause, which he or they may deem necessary; and such assistant revenue officers shall be entitled to receive out of the Public Treasury, upon warrant from the President, a sum not exceeding Four

shillings and twopence per diem for every day when so employed. And all revenue officers and assistant revenue officers when employed in supervising the lading and unloading of any vessels at these islands, shall give their attendance and attention to such duties from sunrise to sunset.

VI. And be it further ordained, that it shall and may be lawful for the Receiver-General or other receiver, or chief officer of the revenue, to demand and receive from the owner, consignee, or master of every vessel entered or cleared out by such receiver or other officer, either before or after office hours, a fee of Four shillings and twopence to his own use and benefit; and it shall be lawful for any such receiver or other officer to refuse to enter or clear out any vessel, before or after office hours as fixed by law, unless such fee shall first have been paid to him.

VII. And be it further ordained, that the Provisos contained in the fifteenth section of the said Ordinance, No. 8, be repealed.

VIII. and IX. are repealed by Ordinance No. 1, 1855.

X. And be it further ordained, that the Receiver-General of these islands shall be, and he is hereby indemnified for not having collected any such duty which may have become due upon any of the articles aforesaid, since the said Ordinance came into operation.

XI. And be it further ordained, that the Receiver-General for these islands is hereby authorized to refund any sum of money, or cancel any bonds he may have received as duties, upon bullion, coin, and diamonds, brought into these islands as stranded or derelict property.

XII. And be it further ordained, that this Ordinance shall come into operation when and so soon as the assent of His Excellency the Governor-in-Chief thereto shall have been proclaimed, and shall continue in operation as long as the several Ordinances which are amended thereby remain in force, and no longer.

No. 6.
Ord. No. 4,
1850.

A Fee for
clearing a
Vessel except
during office
hours.

Clause 15 of
Ordinance No.
8 of 1849
repealed.

Receiver-
General in-
demnified for
not collecting
duty on Coin,
&c.

Authorized to
refund, or annul
any Bond to
secure such
duty.

Duration.

No. 7.—ORDINANCE No. 1 of 1855.

An Ordinance to continue two Ordinances, No. 7 of 1849, to Provide for the Collection of the Revenue; and No. 8 of 1849, to Provide for the Appointment of the Officers of the Public Revenue. (Passed 26th Feb., 1855. Confirmed 10th Aug., 1855.)

No. 7.
Ord. No. 1,
1855.

WHEREAS two Ordinances passed by the Legislative Council of the Turks and Caicos Islands, during the session of 1849, to wit: No. 7, providing for the collection of the revenue; and No. 8 of 1849, to provide for the appointment of the officers of the Public Revenue, and for other purposes, will expire on the first day of January, which will be in the year One thousand eight hundred and fifty-six; and it is highly necessary and expedient that the several provisions contained in the said two recited Ordinances respectively should be further continued; May it, &c.,

PREAMBLE.

I. That the said recited Ordinances, and every clause, matter, and thing in them contained, is and are hereby continued and declared to be in force within the said Turks and Caicos Islands.

Ordinances
No. 7 and 8 of
1849 continued.

II. And whereas Ordinance No. 4 of 1850, explaining and

No. 7.
Ord. No. 1,
1855.

Parts of Ordinance No. 4 of 1850 continued.

amending certain portions of the aforesaid Ordinances will also expire simultaneously with the same; and it is expedient that certain provisions contained in the said last-recited Ordinance should be continued; Be it therefore further ordained, that the said Ordinance, No. 4 of 1850, shall be and continue in full force, save and except the clauses numbers eight and nine, which are hereby repealed.

No. 8.
Ord. No. 11,
1860.

No. 8.—ORDINANCE No. 11 of 1860.

An Ordinance to amend Ordinance No. 7 of 1849, to Provide for the Collection of the Revenue. (Passed 17th April, 1860. Confirmed 27th Nov., 1860.)

PREAMBLE.

WHEREAS by the 34th section of Ordinance No. 7 of 1849, it is ordained that "it shall be lawful for the officers of the Colonial Revenue of these islands to board any ship arriving at these islands, and to stay on board until the goods have been duly delivered from the same;" but it is the practice of persons to go on board of ships before they can be boarded by the revenue officers, to the detriment of the revenue and the injury of the commercial interests of the salt-rakers, and of the general community; and whereas it would much tend to the prevention of smuggling, and the depreciation of the value of the staple of these islands if no persons except the duly-qualified and licensed pilots of the colony were suffered to go on board of any ship until after she had been boarded by some revenue officer; May it, &c., That it shall not be lawful for any person, except the duly-qualified and licensed pilots, or the health-officer of the colony, to go on board of any ship arriving at these islands, nor to communicate with any person on board of such ship before such ship shall have been first boarded by such revenue officer as aforesaid; and such revenue officer shall have returned to shore with his report thereof.

No person to communicate with any vessel arriving at these Islands before Revenue Officer visits such vessel, and returns to shore.

Penalty for breach of the Ordinance.

II. That if any person, except such pilot as aforesaid, or the health-officer of the colony, shall go on board of any ship arriving at these islands, or communicate, as aforesaid, before such ship shall have been first boarded by such revenue officer, and he shall have returned to shore as aforesaid, he shall, upon conviction of such offence before two Justices of the Peace, pay a fine of not less than Five pounds, or more than Twenty pounds; to be levied by warrant under the hands and seals of such Justices, by distress and sale of the offender's goods and chattels; and if no goods and chattels can be found whereon such fine as aforesaid can be levied, then, and in such case, it shall be lawful for such Justices to commit the offender to the common gaol of these islands, there to remain for any term not exceeding Three months.

Meaning of word ship.
Penalties, how applied.

III. That the word "ship" shall include every description of vessel used in navigation not propelled by oars.

IV. That all penalties imposed under this Ordinance, when recovered, shall be reserved for the use of Her Majesty, her heirs, and successors, and be paid into the Public Treasury, towards the support of the Government of these islands.

SECOND DIVISION.—TAXES.

No. 9.—2 Vic. ch. 6. *An Act for Raising a Revenue for the Support of the Government of the Bahama Islands, and for other purposes.* (27th Dec., 1838.)

No. 9.
Act 2 Vic.
c. 6.

I. Repealed by 3 Vic. ch. 29.

II., III., V., VI., VII., VIII., IX., X., XI., and XII. suspended by 11 Vic. ch. 22.

XIII. That for and during the periods before mentioned,* there shall be paid into the Public Treasury of these islands, over and above all other duties and taxes, a duty or tax of Two pounds ten shillings per centum on the gross sales of all vessels not registered as belonging to these islands, sold within the same, anything in this Act contained to the contrary notwithstanding; the amount of which shall be given to the Receiver-General, or other receiver or collector upon oath; and in case any owner of such vessel, or other person selling or disposing thereof, shall neglect or refuse to give in and pay the duty as aforesaid, he or she shall forfeit and pay the sum of Fifty pounds sterling, over and above the duty or tax imposed as aforesaid.

Tax on sale of
vessels not
registered as
belonging to
these islands.

XVII. And whereas the usual and established commission payable by the owners of property sold at auction, on commission, whether by auctioneers or others, within these islands, has long been at the rate of Five per cent. on the gross sales thereof; and whereas by reason of the very large proportion of merchandise and other property, which, from peculiar local causes, are almost exclusively sold at public auction, or by auctioneers, on commission in this colony, it has at all times for a series of years past been and still is held reasonable and expedient that a tax should be laid on the profits accruing to the auctioneers, by reason of large sales by them so made at auction as aforesaid; Be it, &c., That for and during the periods before mentioned there shall be paid into the Public Treasury of the colony, for and towards defraying the expenses of this Government, by all auctioneers within the same, a sum equal to two-fifth parts of the above-recited usual commission, that is to say, at the rate of Two pounds for every hundred pounds of the gross sales of such lands, hereditaments, ships, vessels, merchandise, and other effects and property, of whatever nature the same may be, as shall be sold at auction by auctioneers within these said islands: Provided always, that no such tax or duty shall be imposed on the poundage or commission of any Master in Chancery, the Provost Marshal, or Marshal of the Court of Vice Admiralty of these islands, demandable by virtue of their said offices respectively, in due course of law, or on the commission of any constable, or other civil officer, or other person selling goods distrained for rent arrear, Militia fines, arrears of any rates, assessments, or taxes due to the public, or otherwise under judicial process, issuing from any Court of competent jurisdiction in such behalf within these islands, or on any goods or

Auction duties
regulated.

Proviso.

* The fourth clause of this Act enacted that the duties imposed by it should be collected at the port of Nassau for one year, and at the out-ports for fifteen months; but by the 3 Vic. c. 11, amended by 3 Vic. c. 12, the several provisions of this Act are continued in force during the reign of her present Majesty, and for six months afterwards.

No. 9.
Act 2 Vic.
c. 6.

Vendue Mas-
ters to render
quarterly
statements.

Oath to be
taken by Ven-
due Master.

Penalty for
selling at auc-
tion before
giving Bond.

Bond and
Conditions.

other property to be sold by such Provost Marshal, Marshal of the Court of Vice Admiralty, constable, or other person selling the same, under judicial process as aforesaid; anything hereinbefore contained to the contrary notwithstanding.

XVIII. That the auctioneers or vendue masters, and all other persons whomsoever, selling or disposing of any property, merchandise, or other effects, at public auction, as vendue masters within these islands, shall render regular statements and accounts of the aforesaid duties respectively every three months, and pay the amount in six months from the date of such returns into the Public Treasury of these islands; and for refusing or neglecting to make and tender such statements and accounts as aforesaid forty days after being required, or for producing a fraudulent account, contrary to the true intent and meaning of this Act, such person so offending shall, upon conviction of every such fraud or neglect, forfeit and pay the sum of Fifty pounds sterling, over and above the duty or tax imposed by this Act, together with the costs of suit; and the Receiver-General and Treasurer is hereby authorized and required, from time to time, to demand a fair account from such auctioneers, vendue master, or vendue masters, and administer the following oath :—"I, *A. B.*, do swear, upon the Holy Evangelist of Almighty God, that the account now produced by me is just and true, and that I have therein, to the best of my knowledge and belief, stated the full and true amount of the sales of all property, merchandise, and other effects whatsoever sold by me and my co-partner or co-partners (*naming every such co-partner or co-partners, if any*) at public auction, from the day of until the day of and that I have given bond in the sum of Five hundred pounds, previous to my acting as vendue master, SO HELP ME GOD."

XIX. That no person or persons shall, after the passing of this Act, presume to dispose of any property, merchandise, or other effects at auction, within these islands, for any person or persons, under a penalty of Fifty pounds for every offence, unless he or they shall have first entered into a bond to Her Majesty, with two or more sufficient sureties, in the sum of Five hundred pounds sterling, with the following condition, to wit :—"The condition of the above obligation is such, that if the above-bounden *A. B.* shall render, upon oath, a true and faithful account of the amount of all property sold by him at public auction to the Receiver-General and Treasurer, according to law, and shall also, when required, lay before the Treasurer, for his inspection, his vendue books, and shall well and truly account for and pay all duties arising from such sales, agreeably to the before-mentioned Act; and moreover, if the said *A. B.* shall well and truly account for and pay all the duties that shall or may arise from the sales of all goods, wares, and merchandise which are made liable to duty, to the Receiver-General and Treasurer, when thereunto required, then this obligation to be void, otherwise to remain in full force and virtue; which bond shall be taken annually by the Secretary of these islands or his lawful deputy, without fees, who, after having registered the same, shall keep such bond in his custody; and he is hereby authorized and required, should he deem it necessary, to administer an oath to any person offered as surety, by which to ascertain the sufficiency of any surety so offered: Provided always, that no action

or suit shall be at any time brought on any of the aforesaid bonds to be taken in pursuance of this Act, unless such suit shall be commenced within two years after the date of such bond respectively; And provided nevertheless, that nothing herein contained is intended, or shall be construed to preclude any person or persons from recovering in an action of *Assumpsit*, or other action against any vendue master or vendue masters, his or their executors or administrators, for the proceeds or balance of any sale which may be due for goods sold by, or property lodged in the hands of such vendue master or vendue masters after the aforesaid period.

XX. That no person, whomsoever, who is not a British subject, or a foreigner duly naturalized, agreeably to an Act of Parliament made and passed in the thirteenth year of the reign of his late Majesty King George the Second, entitled, "An Act for Naturalizing such Foreign Protestants and others therein mentioned as are settled or may settle in any of His Majesty's Plantations in America," shall presume to dispose of any property, merchandise, or effects whatsoever, at public auction within these islands, for any person or persons whomsoever, on pain of three months' imprisonment, and forfeiting his goods and chattels.

XXI. That when any action shall be commenced against any vendue master or vendue masters for the proceeds of any goods and effects sold by him or them at auction as vendue masters, or by any vendue master or vendue masters against any person or persons being the purchaser or purchasers of any goods, wares, merchandise, or other effects sold at auction, as aforesaid, such vendue master or vendue masters, person or persons, as aforesaid, respectively, being defendants, shall not be entitled to any imparlance in action, or stay of execution on judgment, whether such execution be issued against lands or personal property; nor shall the trial thereof be put off after such suit is at issue at any one term of the Court in which the same may be brought, unless sufficient cause can be shown to the satisfaction of the Court.

XXII. That when any person shall become the highest bidder at public auction for any lands, goods, property, or other effects there exposed for sale, and shall not, within forty-eight hours (if no limited period be fixed for payment, or at the expiration of the period fixed for payment if sold at a credit), pay for the same, then, and in every such case, it shall and may be lawful for the vendue master or vendue masters selling or disposing of such lands, goods, property, or other effects, to charge against, receive, and recover from the person or persons purchasing the same, interest at and after the rate of six per centum per annum for such time as the purchase-money of such lands, goods, property, and other effects, or any part of such purchase-money shall be and remain in arrear and unpaid: Provided always, that when any lands, goods, property, or other effects are exposed to sale at a credit, with any conditions annexed to such credit, and the person or persons becoming the highest bidder or bidders for the same shall refuse to comply with such conditions, then, and in every such case, every such sale shall be taken and considered to be a cash sale, and interest shall be chargeable and recoverable accordingly.

XXIII. That when any person shall become the highest bidder at public auction for any lands, goods, property, or other effects there exposed to sale, and shall not, within forty-eight hours, pay

No. 9.
Act 2 Vic.
c. 6.

Proviso, limiting period within which Bond may be put in suit.

No Foreigner to vend goods, &c., at auction, unless duly naturalized. Imparlance not allowed in Vendue suits.

Purchasers of lands, &c., not paying for same, to pay six per cent. interest until same is paid for.

Proviso.

Purchasers not settling agreeably to conditions of sale, how dealt with.

No. 9.
Act 2 Vic.
c. 6.

for the same, or settle with the vendue master agreeably to the conditions of the sale, in such case it shall and may be lawful for such vendue master to take possession of, and expose the same property and effects to sale at public auction, at any time within six months after, while the goods, property, or effects remain in possession of the vendue master or vendue masters, or of the purchaser or purchasers; and if the said effects or property shall not then bring so much money as was bid for the same at the first sale, the former bidder, failing to comply with the conditions of sale as aforesaid, shall make good the loss, deficiency, or difference in price, with the cost and charges, to be recovered by the vendue master, as other debts due for goods sold at auction on commission are recovered; and if any vendue master shall have reason to believe that any such property sold at vendue and not paid for is concealed for the purpose of defeating the aforesaid right of such vendue master of taking back the same, and he shall make affidavit to that effect before a Magistrate, he shall thereupon be entitled to have from such Magistrate a search-warrant, addressed to any constable, to search for and restore the same according to the true intent and meaning of this Act; and that in the mean time the aforesaid claims of such vendue master on any property so sold at auction and not paid for shall have precedency of all other liabilities for house or store rent, or of levies under execution for debt.

Assessments
and Taxes.

Fines, how
recovered and
applied.

XXXII. That all fines, forfeitures, and penalties imposed by this Act shall and may be sued for and recovered, with costs of suit, in any Court having cognizance thereof, by action of debt, bill, plaint, or information, and shall, except in cases wherein the appropriation thereof shall have been otherwise herein provided for, be to the sole use and benefit of such person or persons as may sue or prosecute for the same.

Taxes, how
collected and
appropriated.

XXXIII. That all duties and taxes imposed by this Act shall be collected and received by your Majesty's Receiver-General and Treasurer in and for these islands, and appropriated and applied in such manner only as shall or may be specially directed or appointed by any Act or Acts of the General Assembly of these islands, and not otherwise.

Sections 24 to 31 of this Act apply solely to the Bahamas, and are therefore omitted.

No. 10.
Act 9 Vic.
c. 14.

No. 10.—9 Vic. ch. 14. *An Act to repeal an Act for regulating the Hawking of Goods, Wares, and Merchandise, and to make other provisions in relation thereto.* (4th March, 1846.)

This Act imposes a tax of Two pounds ten shillings per annum upon the taking out of a licence to hawk goods, wares, and merchandise. See sec. 5 and the Act in extenso, ante, Part IV., Class XII., No. 14.

No. 11.—ORDINANCE No. 1 of 1849.

An Ordinance to regulate the Sale of Spirituous Liquors, Wines, and other Liquors within the Turks and Caicos Islands. (Passed 14th June, 1849. Confirmed 1st May, 1850.)

No. 11.
Ord. No. 1,
1849.

By sec. 25 of this Ordinance the tax upon taking a licence to retail spirits is fixed at Twenty-five pounds per annum. See the Ordinance *ante*, Part IV., Class XII., No. 4.

No. 13.—ORDINANCE No. 11 of 1855.

An Ordinance to impose a Tax on Dogs. (Passed 30th Oct., 1855. Confirmed 10th Oct., 1856.)

No. 13.
Ord. No. 11,
1855.

WHEREAS the great increase of dogs in the colony has often proved a nuisance; May it, &c.,

PREAMBLE.

I. That it shall be the duty of the several paid constables within the Turks Islands to report, in writing, once in every three months, to the Police or Assistant Police Magistrate of the district, in which they respectively reside, the names of all persons who own or keep a dog, specifying the number and description of dogs, whether male or female; a copy of such list to be kept at the police-office of the district for public inspection.

Constables to report names of persons owning Dogs.

II. That every person in whose possession or keeping any dog shall be found, shall be liable to pay annually the following tax, to wit:—for each dog, Four shillings, and for each bitch, Six shillings. And it shall be the duty of the said constables to collect such tax, and pay the same into the hands of the Police or Assistant Police Magistrate of the district, who is hereby authorized to pay such constables twenty-five per cent. upon all sums so collected by them for their trouble; and the residue of such tax he shall pay quarterly into the Public Treasury in aid of the General Revenue.

Tax on Dogs.

How collected.

III. That if any person liable to pay the said tax shall refuse or neglect to pay the same, within Thirty days after the same has been demanded by any constable, upon proof of such demand made, it shall be lawful for the Police or Assistant Police Magistrate of the district to issue a warrant to levy the said amount upon the goods and chattels of such person, and in case no goods or chattels can be found, to seize such dog, and to dispose of the same as such Magistrate shall direct.

In default of payment,

May be levied for.

IV. That whenever a report is made by the constables aforesaid, that there are dogs for whom no claimant can be found, it shall be lawful for the Police or Assistant Police Magistrate of the district to order all such dogs to be destroyed or otherwise disposed of.

Dogs unclaimed, how disposed of.

V. That if any person shall consider himself aggrieved by any report of the constables aforesaid, he may appeal to the Police or Assistant Police Magistrate of the district, by whom the question of liability to pay any such tax shall be finally decided.

Decision of Police Magistrate final.

VI. That the several provisions of this Ordinance may be extended by the President in Council to any other island or district of the colony, upon application to be made for that purpose by the

- No. 13. local Magistrates, and a majority of the inhabitants of such island or district.
 Ord. No. 11, 1855. VII. That all those two Acts of the General Assembly of the Bahamas, known as 4th Vict. ch. 15, and 5th Vict. ch. 3, shall be henceforth repealed.

- No. 14. No. 14.—ORDINANCE No. 15 of 1855.
 Ord. No. 15, 1855. *An Ordinance to amend Ordinance No. 1 of 1849, to regulate the Sale of Spirituous Liquors, &c.*

By sect. 3 of this Ordinance a tax of Five pounds is imposed upon taking a licence to sell wine, &c. by retail. See the Ordinance in extenso *ante*, Part IV., Class XII., No. 5.

- No. 15. No. 15.—ORDINANCE No. 6 of 1860.
 Ord. No. 6, 1860. *An Ordinance to consolidate the Laws relating to Wrecks, &c.*
 By sect. 9 of this Ordinance, the following scales of taxes upon wrecking licences is established :—
 On the annual wrecking licence for every open boat under five tons burthen, Ten shillings.
 For every vessel with a deck of five, and not exceeding ten tons burthen, One pound.
 For every vessel of ten, and not exceeding twenty tons burthen, One pound ten shillings.
 For every vessel of twenty tons burthen and upwards, Two pounds.
 See the Ordinance in extenso, *post* this Part, Class V., No. 1.

- No. 16. No. 16.—ORDINANCE No. 23 of 1860.
 Ord. No. 23, 1860. *An Ordinance to encourage the Importation of Ice into these Islands.*
 By sect. 3 of this Ordinance, the tax for a licence to keep refreshment rooms under that Ordinance is fixed at Twenty pounds.
 See the Ordinance *ante*, Part IV., Class XII., No. 7.

THIRD DIVISION.—EXPORT AND IMPORT TRADE.

- No. 17. No. 17.—4 Vic. ch. 24. *An Act to promote and encourage Steam Navigation between this Colony and Great Britain, for the conveyance of Mails and Passengers.* (25th Feb., 1845.)
 Act 4 Vic. c. 24.

Mail Steamers
 exempted from
 tonnage fees.

WHEREAS it is expedient to promote and encourage a more speedy means of intercourse between this colony and Great Britain by Steam Navigation; May it, &c., That from and after the passing of this Act, all steam vessels employed in carrying mails between these islands and Great Britain, and between these

islands and the surrounding islands and places, shall be permitted to enter the ports of this colony, and again to depart therefrom, free and exempt from all tonnage dues and fees whatsoever.

II. That all vessels employed in importing coal for the use of steam vessels aforesaid, shall be free and exempt from all tonnage and other fees: Provided always, That such vessels import no other cargo whatever, and that they take no cargo of any description whatever from the island; And provided further, That proof be given, to the satisfaction of the Receiver-General and the officers of the Customs, that the coals so imported are solely for the use of such steam vessels, and that they are deposited in a depôt, to be appropriated exclusively for that purpose.

III. That on the arrival of any such steam-boat or vessel, the same shall come to anchor in such place as may be appointed by the Royal Mail Steam Packet Company, and that the commander of the said steam-boat or vessel, or the next chief officer, shall deliver to the collector or other principal officer of Her Majesty's Customs, at the port of entry, as also to the Receiver-General, or receiver of colonial duties, at such port, a manifest of all goods, wares, and merchandise, on board of the said steam-boat or vessel, specifying the marks and numbers, the nature and contents of the package, as far as he is able to ascertain the same, together with the names of the shippers and the party to whom consigned; and that no goods be landed from the said steam-boats or vessels but by an order from the collector or other principal officer of Her Majesty's Customs, as aforesaid, and under such regulations as shall be established by the collector or principal officer of Her Majesty's Customs at the Port of Nassau, subject to the approval of the President for the time being.

No. 17.
Act 4 Vic.
c. 24.

Also vessels
importing Coal
for same.
Proviso.

Commanders
to deliver in to
Customs and
to Colonial
Treasury a
regular bill of
entry for all
goods on board.

No. 18.—4 Vic. ch. 32. *An Act for granting certain privileges to Vessels of the Royal Yacht Squadron, arriving within the Bahama Islands.* (25th Feb., 1841.)

No. 18.
Act 4 Vic.
c. 32.

WHEREAS application has been made by the members of the Royal Yacht Squadron, that the vessels belonging to that squadron should be received in the several ports within this colony, on the same terms as such vessels are received in the various ports in England; And whereas, it is fair that certain privileges should be extended to such vessels; May it, &c., That from and after the passing of this Act, all vessels belonging to the Royal Yacht Squadron, not having cargoes on board, shall be permitted to enter the several ports within this colony, and again to depart therefrom, free and exempt from all tonnage duties, light money, or other harbour or port dues whatsoever, save and except such pilotage fees as shall be actually earned by any pilot within these islands, for services rendered to any such vessel, and without being required to enter or clear out at any Custom House within the same: Provided always, That to entitle a vessel to the privileges of this Act, the master or commander of such vessel must produce to the principal officer of the Customs, at the port at which such vessel shall arrive, the Admiralty warrant, authorizing such vessel to wear the St. George's ensign.

The Royal
Yacht Squa-
dron exempted
from tonnage
fees.

Proviso.

No. 13. local Magistr.
 Ord. No. 11, or district.
 1855. VII. That
 Acts repealed. Bahamas, be hencefor

No. 14.
 Ord. No. 15, *An Ord*
 1855.

By
 upon
 nance

No. 15.
 Ord. No. 6,
 1860.

w

No. 16.
 Ord. No. 23,
 1860.

No. 17.
 Act 4 Vic.
 c. 24.

Mail Steamer
 exempted from
 tonnage fees.

base or counterfeit coin, are hereby absolutely prohibited to be imported or brought into this colony.

IV. That all vessels specially employed to convey public mails to these islands shall be exempted from the payment of light duty; nor shall any such vessel, unless remaining over twenty-four hours in the colony, be compelled to come to an entry at the Receiver-General's office, any Law, Ordinance, or custom to the contrary notwithstanding: Provided, nevertheless, that the master or mail-officer of any such vessel shall deliver to some revenue officer a faithful manifest of all cargo intended to be landed at these islands; and that such cargo shall be deposited in a bonded warehouse until all duties shall have been paid thereon, or sufficient security shall be given for the payment thereof.

Sections V. and VI. repealed by Ordinance No. 26 of 1860.

VII. That provisions and stores of every description imported or supplied in these islands for the use of your Majesty's land and sea forces shall only be exempt from duties, on the importation thereof, on complying with the conditions hereinafter expressed, that is to say,—the President shall make and establish such regulations as may be necessary for ascertaining that such provisions and stores are *bond fide* imported or supplied for the use of your Majesty's land or sea forces; and such exemptions as aforesaid shall only be allowed upon producing to the Receiver-General or other proper officer such proofs as shall from time to time be required by any such regulation made by the President.

VIII. That it shall not be lawful for the Receiver-General or other officer to allow any provisions, spirits, or other stores imported or supplied as aforesaid for the use of your Majesty's land or sea forces to be landed or taken out of a bonded warehouse as free of duty, except by warrant from the proper garrison or regimental officer, or proper naval officer, as the case may be.

IX. That if any provisions, spirits, or other stores imported or taken out of bond, as for the use of your Majesty's land or sea forces, shall be afterwards applied to any other use than the one mentioned in the entry, order of delivery, or other document, under the authority of which the same were landed or taken out of bond as free of duty, the officer in whose name the same were so landed or taken out of bond shall be liable for all duties due on the same, or on any such part thereof as shall have been so otherwise applied as aforesaid; and the said duties shall be recovered and applied in the same manner as other duties imposed by this Ordinance are directed to be recovered and applied.

X. That if any provisions, spirits, or other stores so landed or taken out of bond as aforesaid shall be clandestinely sold or in any way disposed of other than to the use of your Majesty's land or sea forces, every person concerned in such clandestine sale or disposal shall forfeit and pay treble the value of the article so clandestinely sold or disposed of; and all such articles shall be liable to seizure and condemnation; and one-third part of all such forfeitures shall be to your Majesty, your heirs, and successors, one-third part to the President or other officer administering the Government for the time being, and the remaining third part to the person suing for the same.

XI. That all duties payable under this Ordinance shall be paid and received according to the imperial weights and measures; and

No. 21:
Ord. No. 20,
1860.

Vessels employed in the mail service exempted from light duty.

Provisions and stores exempted on certain conditions.

Authority for exemption.

Officer issuing order for stores liable for duty if misappropriated.

Stores if sold, liable to seizure.

Duties payable under imperial weights and measures.

No. 21.
Ord. No. 20,
1860.

Export duty
on Salt.

Articles ex-
ported from a
bonded ware-
house, ex-
porter to fur-
nish a certifi-
cate of the
same being
landed out of
the Colony.

Articles having
once paid duty
and exported,
not liable to
duty on re-
importation.

Light duty
raised from
3d. to 4d. per
ton.

in all cases where such duties are fixed according to any specified quantity or value, the same shall be deemed to apply in the same proportion to any greater or less value or quantity.

XII. That there shall be collected and paid to your Majesty, your heirs, and successors, for the support of the Government, upon all salt exported from these islands, a duty of One farthing sterling per bushel.

XIII. And whereas by various sections of Ordinance No. 7 of 1849, articles imported into these islands may be warehoused and exported without payment of any duty; but owing to the local position of these islands, it is considered that the continuance of this system may, unless further provision be made for the security of the revenue, prove detrimental to the resources of the colony; Be it therefore further ordained, That upon the warehousing of any article on which, if regularly imported and not warehoused, any duty would become payable, there shall be inserted in the bond to be entered into by the importer of any such article a proviso, that upon the delivery of any such article from out of a bonded warehouse, free of duty, for exportation beyond the limits of the colony, the party or parties so entering into bond shall produce to the Receiver-General and Treasurer, or other officer, within twelve months from the date of such exportation of the same, a certificate from some proper authority resident at the place where such article shall be landed, showing to the satisfaction of such officer as aforesaid, that such article had there been duly landed; and if such certificate shall not be so produced within the time herein specified, the parties entering into such bond as aforesaid shall forfeit and pay into the Public Treasury a sum of money equal in amount to the duty which such article would have been liable to pay if it had been originally entered for consumption in the colony: Provided always, that the payment of such duties shall not be demanded except by the consent of the President and Council, upon its being shown that there are grounds for suspicion that some fraud has been committed: Provided also that such certificate shall not be required for articles exported from a bonded warehouse, being sails, rigging, or other materials of vessels wrecked, stranded; or derelict, or articles delivered from such warehouse as stores for vessels going out of the colony.

XIV. That whenever any goods, wares, or merchandise shall be exported from this colony, upon which duty has been paid, and no drawback has been allowed, and such goods shall from any circumstance be reimported, upon satisfactory evidence being given to the Receiver-General or other proper officer that such goods so reimported are the same which were exported, then in such case no duty shall be demanded thereon.

XV. And whereas by Sect. 3 of Ordinance No. 11 of 1849, to provide for the expense attending a lighthouse in these islands, it is ordained that there shall be paid upon every ship or vessel arriving at any port within these islands, and coming to an entry, the sum of Threepence per ton for each and every ton of the registered tonnage of such ship or vessel, and it is expedient that the present light duty should be increased to Fourpence per ton; Be it further ordained that there shall be paid, or security in double the amount given for the same to the Receiver-General or other proper officer, on behalf of your Majesty, your heirs, and successors,

for the public use and benefit and support of your Majesty's Government, upon every ship or vessel arriving at any port within these islands and coming to an entry, the sum of Fourpence per ton, for each and every ton of the registered tonnage of such ship or vessel.

No. 21.
Ord. No. 20,
1860.

XVI. That this Ordinance shall commence and take effect on the first day of January which will be in the year of Our Lord One thousand Eight hundred and Sixty-one; and the same shall continue and be in force until the first day of January, One thousand Eight hundred and Sixty-six, and from thence to the end of the next session of the Legislative Council, and no longer.

Commencement
and duration of
Ordinance.

No. 22.—ORDINANCE No. 26 of 1860.

No. 22.
Ord. No. 26,
1860.

An Ordinance to amend Ordinance No. 20 of 1860, for raising a Revenue, &c. (Passed 9th May, 1860. Confirmed 14th Dec. 1860.)

This Ordinance repeals sect. 5 and 6 of Ordinance No. 20 of 1860, which sections were as follows:—

V. That there shall be imposed upon all wrecked, stranded, or derelict property, upon which no other duty is payable under this Ordinance, a duty of Fifteen pounds per centum upon the gross amount of all sales or amount of appraisement upon such property: Provided always that bullion, coin, and diamonds brought from any wrecked, stranded, or derelict vessel shall not be liable to the payment of any duty whatsoever: Provided, nevertheless, that upon the re-exportation of any stranded or derelict property, if bonded, upon which the duty of Fifteen per centum may have been so provided for, and re-exported from the bonded warehouse within six months from its importation, the party exporting the same shall receive a drawback of Seventy-five per centum of the duty so paid.

Wrecked property, otherwise exempt, liable to duty on exportation.

VI. That in addition to all other duties, there be imposed on all property landed from any vessel wrecked, stranded, or in distress, whether sold at auction or appraised, to be paid to the Receiver-General and Treasurer by the agent or captain of such vessel, after deducting the salvage and other usual charges, a duty of two and a half per cent. on the amount so sold or appraised.

Duty of two and a half per cent. on net sales of wrecked property.

CLASS II.

LAWS WHICH REQUIRE THE PAYMENT OF FEES INTO THE PUBLIC TREASURY IN AID OF REVENUE.

No. 1.—ORDINANCE No. 1 of 1852.

An Ordinance to provide a Permanent Salary for the Judge of the Supreme Court.

No. 1.
Ord. No. 1,
1852.

This Ordinance requires that all costs "and emoluments now received or coming into the hands of the Judge, as Ordinary and Judge of the Supreme Court, shall be accounted for and paid quarterly into the Public Treasury in aid of the general revenue."

See Ordinance *post*, Part IX., Class VIII., No. 6.

No. 2.
Ord. No. 3,
1852.

No. 2.—ORDINANCE No. 3 of 1852.

An Ordinance to provide for the Public Registering and Recording of Deeds, &c.

By sect. 15 of this Ordinance, certain fees are required to be taken by the Registrar of Deeds, and paid into the Public Treasury. See the Ordinance, *ante*, Part V., Class II.

No. 3.
Ord. No. 7,
1852.

No. 3.—ORDINANCE No. 7 of 1852.

An Ordinance to provide Fixed Salaries for the Colonial Secretary, and the Private Secretary or Clerk in the Office of the Officer administering the Government of these Islands, and to authorize the collection of certain Sums in aid of the General Revenue thereof, and for other purposes therein mentioned. (Passed 4th Sept., 1852. Confirmed 24th Sept., 1853.)

PREAMBLE.

WHEREAS the incomes of the Colonial Secretary of this Presidency, and of the private secretary or clerk to the President administering the government of these islands, have hitherto been derived in part from certain fees, as a remuneration for certain Acts by them performed in the execution of their offices respectively; And whereas doubts have arisen as to the expediency of the continued collection of the aforesaid fees, and it is desirable that the same should cease to be collected; And whereas it is necessary that a sufficient revenue should be raised to provide an adequate salary for the said Colonial Secretary, and for the private secretary as aforesaid; May it, &c., That so soon as the assent of the Governor-in-Chief to this Ordinance shall have been duly promulgated within these islands, it shall not be lawful for the Colonial Secretary, whether as Secretary for the Colony, Registrar of Records, or Clerk of the Council, for himself or for any other officer or officers of this Government, or for the private secretary, or for the clerk in the office of the President or officer administering the Government of the colony, or for any other person in his or their behalf to demand, take, or receive any fee whatever for his or their own use, for any act, matter, or thing performed by him or them, in the discharge of the duties of their aforesaid respective offices, after the assent hereto as aforesaid.

Appropriation
of Fees to the
use of Officers
to cease.

Certain sums
to be collected
in aid of the
Revenue.

II. And be it ordained, that so soon as this Ordinance shall have been promulgated as aforesaid, the following sums shall be demanded at, and payable into the offices respectively of the Receiver-General and the Colonial Secretary at Grand Turk, or to the Assistant Receiver-General at Salt Cay, or to any other revenue officer duly authorized to collect the revenue at the several outposts within this Presidency, who are hereby constituted Acting Colonial Secretaries, for the purposes of this Ordinance at the said ports respectively, which sums so collected shall be paid into the Public Treasury of these islands, in aid of the expenses of the Government; that is to say: As far as relates to the tonnage duties to be paid to the revenue officers, this clause is repealed by Ordi-

No. 3.
Ord. No. 7,
1852.

nance No. 1 of 1853, and as far as relates to the fees on wrecking licences, is superseded by Ordinance No. 6 of 1860.

The following fees are still payable under this clause :—

On every commission for a place of profit at the rate of Five pounds per centum of the annual value of such office.	£	s.	d.
On every licence to retail spirituous liquors	5	0	0
On every Militia commission	1	0	0
On every licence to practice as a notary public	2	0	0
For every testimonial or other document under the Seal of the Colony or Seal at Arms, not hereinbefore specified	0	10	0

III. And whereas it is necessary that fixed salaries should be provided for the Colonial Secretary for the Presidency, who ex-officio shall also be required to perform the duties of registrar of deeds and Clerk of the Council, and for the private secretary or clerk to the officer administering the Government; Be it therefore further ordained by the authority aforesaid, that there shall be allowed and paid out of the Public Treasury of these islands in monthly payments, by warrant in the usual manner, the following annual salaries in lieu of all other salaries or remuneration for the discharge of the several duties appertaining to the aforesaid respective offices, to wit :—

To the Colonial Secretary	£350	0	0
To the private secretary or clerk to the officer administering the Government a sum not exceeding	150	0	0

Fixed Salaries
to the Colonial
Secretary and
the Private
Secretary or
Clerk in the
President's
Office.

IV. And be it further ordained, that so much of the Act of the General Assembly of the Bahama Islands made and passed in the third year of Her Majesty's reign, entitled "An Act for the Support of Her Majesty's Government within these Islands," as authorizes the payment of £125 to the Police Magistrate at Turks Islands, as also so much of the Ordinance No. 5, passed during the present session of the Legislative Council as grants to the Colonial Secretary, in aid of a salary for that officer the said sum of £125, and as also provides a salary of £100 for the Clerk of the Council, shall be, and the same are hereby repealed.

Acts repealed.

3 Vic. c. 11.

Ordinance
No. 5, 1852.

V. And be it further ordained, that all those two several Acts of the Bahama Legislature made and passed in the forty-fourth year of the reign of His late Majesty George the Third, and in the ninth year of the reign of His late Majesty George the Fourth, entitled respectively "An Act to oblige Masters of Vessels, and other persons to give security in the Secretary's Office, and for suspending two several Acts therein mentioned," and "An Act to amend an Act, entitled an Act to oblige Masters of Vessels and other persons to give security in the Secretary's Office, and for suspending two several Acts therein mentioned," save and except so much of the said Acts as suspends the two several Acts alluded to; and also the second clause of the Act of the said Legislature, passed in the eleventh year of Her Majesty's reign, chapter twenty-four, which imposes a tax upon the granting of licences for wrecking vessels, shall be, and the same are hereby repealed.

Acts repealed.

44 Geo. 3, c. 1.

9 Geo. 4, c. 9.

11 Vic. c. 24.

VI. And whereas now or hereafter questions may arise respecting the collection of the fees hitherto received at the office of the Colonial Secretary, and it is expedient that the same should be set

Indemnifica-
tion for Fees
heretofore col-
lected.

No. 3.
Ord. No. 7,
1852.

at rest; Be it therefore further ordained, that the Colonial Secretary of this Presidency, and his deputies at the several out-ports of the same, shall be, and they are hereby indemnified for the collection of the said fees, and such collection shall not hereafter be questioned in any Court of Law or Equity.

No. 4.
Ord. No. 1,
1853.

No. 4.—ORDINANCE No. 1 of 1853.

An Ordinance to amend Ordinance No. 7 of 1852, entitled "An Ordinance to provide Fixed Salaries for the Colonial Secretary and the Private Secretary or Clerk in the office of the Officer administering the Government of these Islands, and to authorize the collection of certain sums in aid of the General Revenue thereof, and for other purposes therein mentioned." (Passed 8th April, 1853. Confirmed 24th Sept., 1853.)

PREAMBLE.

WHEREAS in and by the second section of Ordinance No. 7 of 1852, entitled, "An Ordinance to provide fixed Salaries for the Colonial Secretary and the Private Secretary or Clerk in the office of the Officer administering the Government of these Islands," certain fees on vessels going without the limits of the colony are made due and payable at the office of the Receiver-General at Grand Turk, of the Assistant Receiver-General at Salt Cay, and of the revenue officers at the several out-ports; And whereas it would tend to promote the trade and commerce of these islands, if all such charges upon shipping were removed; May it, &c., That so much of the second section of the said recited Ordinance No. 7 of 1852, as imposes any fee on the clearance of vessels going without the limits of this Presidency, be repealed, and the same is hereby repealed accordingly.

Fees on shipping abolished.

And whereas provision is made in the said-recited Ordinance No. 7 of 1852, that neither the Colonial Secretary, nor the private secretary or clerk in the President's office, shall demand or receive any fee whatever, for his or their own use, for anything performed by them in the discharge of the duties of their respective offices, and whereas such prohibition is incomplete and defective; Be it further ordained, that it shall not be lawful for the Colonial Secretary, or the private secretary, or for any officer whatever or whomsoever within this Government, to demand, take, or receive, either for himself, or for any other person or persons, or on any account whatever, any fee, unless the same shall be expressly specified and allowed by virtue of some Ordinance or Ordinances of the President and Council of these islands, or by some Act or Acts of the Bahama Legislature extended to these islands by the "Act of Separation," 11 Vic. ch. 1, Bahama Laws, and in force within this Presidency when this Ordinance shall have been duly promulgated.

No Fees to be taken by any official except those specified by some ordinance or enactment.

Operation of Ordinance.

II. And be it further ordained, that this Ordinance shall come into operation so soon as Her Majesty's confirmation thereof, or the assent of the Governor-in-Chief thereto shall have been proclaimed within these islands.

No. 5.—ORDINANCE No. 12 of 1855.

An Ordinance to regulate the Police, &c.

By section 28 of this Ordinance, all fees received by any Police or Assistant Police Magistrate, who shall be in receipt of any stipend as such, shall be paid into the Public Treasury.

See the Ordinance, Part IV., Class XI., No. 15.

No. 5.
Ord. No. 12,
1855.

CLASS III.

SEAMEN.

No. 1.—4 Wm. 4, ch. 15. *An Act to enable the Masters of foreign vessels arriving within these Islands to obtain the arrest of Seamen deserting from, or refusing to return in such vessels.* No. 1.
Act 4 W. 4,
c. 15.
(Nov. 21st, 1833.)

WHEREAS seamen belonging to foreign vessels arriving within these islands frequently leave such vessels and refuse to return on board and complete the voyage for which such seamen originally shipped, whereby the owners and other persons interested in such vessels are oftentimes subjected to great difficulties and put to serious expenses, for remedy whereof; May it, &c., That in case any seaman or mariner belonging to any foreign vessel shall desert from such vessel at any port or place within these islands, or shall absent himself from such vessel without leave of the master or commander, or other chief officer having charge of such vessel, while such vessel shall be within or at any such port or place as aforesaid, or shall refuse to proceed on the voyage for which he originally shipped on board of such vessel, it shall and may be lawful for any Justice named in the general commission of the peace for these islands within his jurisdiction upon application to him made by the master or commander, owner or owners, consignee or consignees, or other person or persons having charge of the vessel to which such seaman or mariner shall belong, to issue his warrant or warrants to apprehend and bring before him such seaman or mariner, and if it shall then appear to the satisfaction of such Justice that such seaman or mariner did ship and enter on board such vessel in such manner, and with the observance of such formalities as shall or may be required by the law, custom, or usage in that respect of the nation to which such vessel shall belong, and that the voyage agreed for is not finished, or the contract of such seaman or mariner otherwise dissolved, and that such seaman or mariner has deserted from such vessel, or absented himself therefrom without leave, or refuses to proceed on such voyage, the said Justice shall forthwith commit such seaman or mariner to the common gaol or house of correction of the island or district for which such Justice shall act, there to remain until such vessel shall be ready to proceed on her voyage (unless the master or other officer in charge of such vessel shall sooner require his discharge), and then to be delivered to such master or other officer as aforesaid, such master or other officer paying all the costs of such apprehension

PREAMBLE.

Mode of proceeding in case of desertion by Seamen of Foreign vessels.

No. 1.
Act 4 W. 4,
c. 15.

Vessels leaving
Seamen with-
out being libe-
rated, such
Seamen to be
liberated and
costs, &c., paid
by sureties.

Proviso.

Persons may
plead the
general issue.

and commitment, together with all expenses attending the maintenance of such seaman while in confinement.

II. That if any seaman or mariner belonging to any foreign vessel shall be committed to any gaol or house of correction within these islands under the provisions of this Act, and such vessel shall sail from the port or place where such commitment took place, without the master or other officer having charge of such vessel liberating such seaman or mariner, it shall be the duty of the Justice making such commitment, or any other Justice having jurisdiction, upon the fact being made known to him, to grant an order for the immediate discharge of such seaman or mariner; and all the costs and expenses attending the apprehension, commitment, and maintenance of such seaman or mariner shall, if not otherwise liquidated, be paid by the surety or sureties of such vessel, and such surety or sureties shall, in addition thereto, forfeit and pay the sum of Fifty pounds lawful money of the said islands for every seaman or mariner so left by such foreign vessel, and shall be recoverable in a summary way before any two Justices of the Peace as aforesaid, and shall be levied and made under warrant of such Justices by distress and sale of the goods and chattels of such surety or sureties: Provided that nothing in this Act contained shall be construed to exempt any persons entering into bond into the secretary's office in pursuance of an Act passed in the forty-fourth year of the reign of His late Majesty King George the Third, entitled, "An Act to oblige masters of vessels and other persons to give security in the secretary office, and for suspending two several Acts therein mentioned" from any liabilities they have or may incur thereunder.

III. That if any suit or action shall be prosecuted against any person for anything done in pursuance of this Act, such person may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done by the authority of this Act; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuited, or discontinue his action after issue joined; or, if upon a demurrer or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant shall recover treble costs, and have the like remedy for the same as any defendant has by law in other cases.

IV. Duration ten years.*

No. 2.
Act 2 Vic.
c. 3.

No. 2.—2 Vic. ch. 3. *An Act to regulate the relative duties of Masters of Ships or Vessels employed in the Merchant Service of the Bahamas, and of Seamen so employed, and for other purposes.* (28th July, 1838.)

PREAMBLE.

WHEREAS divers abuses have arisen and are likely to occur to an increased extent to the prejudice of navigation and the commercial interests of these islands, from the want of a law adapted to regulate the duties and responsibilities of masters and

* By 7 Vic. c. 10, passed on the 9th of January, 1844, this Act is continued in force for ten years from that day, and from thence to the end of the then next Session of Assembly. By Ord. No. 10, 1851, and 2, 1857, extended to five years from 6th Nov. 1857.

seamen, whether employed beyond or within the limits of the Government; Be it, &c., That it shall not be lawful for the master of any ship or vessel belonging to or owned within these islands, and trading to any port or ports without the limits of the Government to carry to sea in any nautical capacity whatsoever any person or persons whomsoever, without first entering into an agreement in writing with every such person, specifying what monthly or other wages each and every such person is to be paid, the capacity in which he is to act, and the nature of the voyage in which the ship or vessel is to be employed (in so far as regards her port or ports of destination) and the day of the month and year in which such agreement shall be made; and the same shall be signed by the master in the first place, and by the seamen respectively, at the port or place where such seamen shall be respectively shipped; and the master shall cause the same to be signed by or in the presence of the party who is to attest their respective signatures thereto, truly and distinctly read over to every such seaman in order that he may be enabled to understand the purport and meaning of the engagement he enters into, and the terms to which he is bound.

II. That the master of any ship or vessel who may ship or engage any person to be employed on board of such ship or vessel within the waters of this Government in wrecking or droghing, shall be likewise bound to enter into an agreement in writing with every such person in manner and form aforesaid, save and except that in lieu of monthly or other wages to be paid to such person the said agreement shall state the proportion or share of each individual signing such agreement in any emoluments or profits which may arise or accrue upon such wrecking or droghing voyage; and instead of the port or ports of destination, the term or intended duration of the wrecking or droghing voyage of such vessel shall be inserted.

III. That in case of a ship or vessel bound to any port or ports without this Government, every such agreement shall be in the form, and shall contain true entries under their respective heads of the several particulars set forth in the Schedule to this Act annexed marked A, and that the owner and master of every such vessel as aforesaid, or one of them, shall, on reporting such ship or vessel on her arrival at or return to any port of these islands at which the voyage shall terminate, deposit, or cause to be deposited with the collector and comptroller of the customs at such port, or when there shall be no collector or comptroller with the preventive officer for such port, a true copy of such agreement attested by the signature of the master, to the intent that every person who may be interested in such agreement may at all times have the means of knowing the terms and conditions thereof; and that in cases where any ship or vessel shall be employed in wrecking or droghing within the waters of this Government, the agreement to be entered into as aforesaid shall be in the form and contain true entries under their respective heads of the particulars set forth in the Schedule to this Act annexed, marked B; and that the owner or one of the owners or master of such ship or vessel shall, at the end of such voyage, deposit with the collector or comptroller, or preventive officer (*as the case may be*) of the port at which her voyage may terminate, a true copy of such agreement, attested by the signature of such owner or master; and all copies of agreements so required

No. 2.
Act 3 Vic.
c. 3.

Captains to
enter into an
agreement with
their crew.

Captains of
Droghers to
enter into
agreement
with their
crew.

Regulation of
form of agree-
ment.

Agreement to
be lodged at
the Custom
House.

No. 2.
Act 2 Vic.
c. 3.

Penalty for not
making formal
agreement with
crew.

by this Act to be deposited as aforesaid, shall, when the same shall have been deposited, and shall be required to be produced as evidence, be received and taken as legal proof of the contents of the agreement.

IV. That if the master of any ship or vessel, whether employed without or within the limits of the Government, shall carry out to sea any person engaged to act on board thereof in any nautical capacity without having first entered into such agreement as is hereby required, he shall for every such offence forfeit and pay the sum of Two pounds of lawful money of these islands; and if any such master shall neglect or refuse to cause the agreement to be distinctly read over to every such person as by this Act is enjoined, he shall for every such offence or neglect forfeit and pay the sum of Ten shillings; and if any master or owner (*as the case may be*) shall neglect to deposit with the collector, comptroller, or preventive officer of the customs (*as the case may be*) a copy of the agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a falsified copy of such agreement, he shall for every such offence forfeit and pay the sum of Twenty pounds.

Penalty for re-
fusing, &c., to
do duty after
having signed
agreement.

V. That in case a seaman shall at any time after having signed an agreement as hereinbefore mentioned, refuse, or neglect to join the ship or vessel on board of which he shall have engaged to serve, or shall refuse to proceed to sea in her, or shall absent himself therefrom without leave, it shall be lawful for any Justice of the Peace of these islands, or of the port or islands to which such vessel may belong, or at which the said vessel may be then lying; and such Justice, upon complaint of the fact made upon oath of the master, mate, or owner thereof, is hereby required by his warrant to cause such seaman to be apprehended and brought before him, and in case such offender shall not give a reason to the satisfaction of such Justice for his neglect, refusal, or absence (*as the case may be*) upon due proof of such neglect, refusal, or absence, it shall be lawful for such Justice to commit such offender to the house of correction, there to be kept at hard labour for a period not exceeding Thirty days: Provided always, that in case such seaman, on being apprehended and brought before such Justice, shall consent to join the ship or vessel and proceed on the voyage for which he shall have agreed, it shall be lawful for the said Justice, at the request of the master, instead of committing such seaman, to cause him to be conveyed on board of the said ship or vessel, or to be delivered to the master for the purpose of proceeding on the voyage, and also to award to the master such costs incurred in the apprehension of such seaman, and as to such Justice shall seem reasonable, not exceeding in any case the sum of Twenty shillings, which shall be chargeable against and may be abated from the wages or other emoluments to grow due to such seaman.

Penalty for
leaving vessel
before termi-
nation of
agreement.

VI. That if any seaman after having signed such agreement as aforesaid, or after the ship or vessel on board of which he shall have agreed to serve shall have left her first port of clearance, and before the period for which he shall have agreed to serve shall be completed, shall wilfully and without leave absent himself from the ship or vessel or otherwise from his duty, he shall (in all cases short of absolute desertion, or not treated as such by the master), forfeit and pay out of his wages or other emoluments to the master or owner of such ship or vessel the amount of two days' pay for

every twenty-four hours of such absence, and in like proportion for any less period of time, or at the option of the master the amount of such expenses as shall have been necessarily incurred in hiring a substitute to perform his work; and in case while he shall belong to such ship or vessel any seaman shall without sufficient cause neglect to perform such his duty as may reasonably be required of him by the master or other person in command of the ship or vessel, he shall be subject to a like forfeiture in respect of every such offence, and of every twenty-four hours' continuance thereof; and in case of any such seaman, after having signed any such agreement, or after the ship's or vessel's arrival at the port of destination, and before her cargo shall be discharged, shall quit the ship or vessel without a previous discharge or leave from the master thereof, he shall forfeit to the master or owner one moiety of the wages then due him, not exceeding in the whole one month's pay out of his wages: Provided always that no such forfeiture shall be incurred unless the fact of the seaman's temporary absence, neglect of duty, or quitting the ship or vessel shall be recorded in such ship or vessel's log-book, which entry shall specify truly the hour of the day at which the same shall have occurred, and the period during which the seamen was absent or neglected his duty, the truth of which entry it shall be incumbent on the owner or master in all cases of dispute to substantiate by the evidence of the mate or some other credible witness.

VII. That in all cases where the seaman shall have contracted to serve for a portion or share of the profits or emoluments of the vessel during the voyage, the amount of forfeitures to be incurred by seamen under this Act shall be ascertained in manner following, that is to say, the forfeiture of the moiety aforesaid, or one month's pay expressed in this Act, shall be accounted and taken to be such a portion of the whole amount earned by him under his contract as shall be equivalent to the earnings of one month, as compared with the whole period of the duration of the voyage, and the amount earned and due to him; and, in like manner, a forfeiture of two days' pay, or less, shall be accounted and taken to be a forfeiture of a sum bearing the same proportion to the whole amount earned during the voyage as the same period of time shall bear to the whole time spent in the voyage.

VIII. Repealed by Ord. No. 6 of 1860.

IX. That every seaman who shall absolutely desert the ship or vessel to which he shall belong, shall forfeit to the owner or master thereof all his clothes and effects which he may leave on board, and all wages and emoluments to which he might otherwise be entitled: Provided that the circumstances attending such desertion be entered in the log-book at the time, and be certified by the signature of the master and mate, or other credible witness, and that an absence of any seaman from any ship or vessel for twenty-four hours immediately preceding the sailing of the ship or vessel, without permission from the master thereof, or for any period, however short, under circumstances plainly showing that it was his intention not to return thereto, shall be deemed an absolute desertion; and in case any such desertion shall take place in any foreign port or ports beyond the limits of this Government, and the engaging any seaman as a substitute for any such deserter, shall be a necessity upon the part of the master of such ship or vessel at a higher rate of

No. 2.
Act 2 Vic.
c. 3.



Amount of
forfeiture
regulated.

Punishment for
desertion.

Proviso.

No. 2.
Act 2 Vic.
c. 3.

Punishment
for harbouring
deserters.

Liability for
debts of Seamen
regulated.

Seamen may
procure imme-
diate payment
of wages.

How Seamen
are to proceed
to prevent de-
lay in recovery
of wages.

wages than that stipulated in the agreement to be paid to the seaman deserting, the owner or master of the ship or vessel shall be entitled to recover from the deserter, by summary proceedings, in the same way as wages are by this Act made recoverable, any excess of wages which such master or owner shall pay to such substitute beyond the amount which would have been payable to the deserter, in case he had duly performed his duty pursuant to his agreement.

X. That if any person shall, either on ship-board or on shore, secrete or harbour a seaman who shall have signed an agreement to proceed on any voyage, whether within the limits of this Government or beyond the same, and shall have deserted or absented himself without leave from his vessel, knowing or having reason to believe him to be a deserter, or to be absent without leave, every person so offending shall, for every such seaman so harboured or secreted, forfeit and pay the sum of Four pounds.

XI. That no debt exceeding Sixteen shillings lawful money of these islands, incurred by any seaman after he shall have signed an agreement as aforesaid, shall be recoverable until the voyage agreed for shall have been concluded; nor shall it be lawful for any keeper of a public-house or of a lodging-house for seamen to withhold from him or detain any chest, bed, bedding, clothes, tools, or other effects of any seaman for any pretended debt alleged to have been contracted by any such seaman; and in case any such chest, bed, bedding, clothes, tools, or other effects aforesaid shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace, upon any complaint made upon oath by such seaman, or on his behalf, to inquire into such matter, and if he shall see right, by warrant, under his hand and seal, to cause any such property or effects so withheld or detained, contrary to this Act, to be seized and delivered over to such seaman.

XII. That if after a seaman shall have been discharged from any ship or vessel three days, he shall be desirous of proceeding to sea on another voyage, and in order thereto shall require immediate payment of the wages due to him, it shall be lawful for any Justice of the Peace of these islands, on application from such seaman, and on satisfactory proof that he would be prevented from obtaining employment by delay, to summon the master or owner before him, and require cause to be shown why immediate payment of such wages should not be made, and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, he shall order payment forthwith to be made, and in default of compliance, such master or owner shall forfeit and pay the sum of Ten pounds.

XIII. And to prevent delay and expense to seamen in the recovery of their wages; Be it, &c., That in all cases of wages not exceeding Twenty pounds of lawful money of these islands which shall be due and payable to a seaman for his service in any ship or vessel as aforesaid, it shall be lawful for any Justice of the Peace of these islands, residing near the place where the ship or vessel shall have ended her voyage, or near to the place where the master or owner upon whom respectively the claim is made shall be or reside, upon complaint or oath to be made to such Justice by any such seaman, or on his behalf, to summon such master or owner to appear before him to answer such complaint; and upon the appearance of such master or owner, or in default thereof, on due proof of

No. 2.
Act 2 Vic.
c. 3.

his having been so summoned, such Justice is hereby empowered to examine, upon the oath of the parties and their respective witnesses (if there be any), touching the complaint and the amount of wages due, and to make such order for payment thereof as shall to such Justice appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justice to issue his warrant to levy the amount of wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale), after deducting thereout all the charges and expenses incurred by the seaman in the making and hearing of the complaint, as well as those incurred by the distress and levy, and in the enforcement of the Justice's order; and in case sufficient distress cannot be found, it shall be lawful for the said Justice to cause the amount of the said wages and expenses to be levied on the ship or vessel in respect of the service on board of which the wages are claimed, or the tackle and apparel thereof; and if such ship or vessel shall not be within the jurisdiction of such Justice, then he is hereby empowered to cause the party upon whom the order for payment shall be made to be apprehended and committed to prison, there to remain, without bail, until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, and the award and decision of such Justice, as aforesaid, shall be final and conclusive, as well on every such seaman as on owner and master of the ship.

XIV. And whereas by an Act, &c. (4 Wm. 4, ch. 6), a summary jurisdiction is provided for the punishment of persons guilty of common assaults and batteries; and whereas it is expedient that the provisions of the said Act should be extended to similar offences committed on board of the vessels of these islands, as hereinafter provided; Be it, &c., That in case of any assault or battery which shall, after the commencement of this Act, be committed on board of any ship or vessel belonging to any inhabitant of these islands, in any place at sea within or beyond the limits of this Government, it shall be lawful for any two Justices of the Peace, upon complaint of the party aggrieved, to hear and determine any such complaint, and to proceed and make such adjudication thereon as by the said Act any two Justices are empowered to do; subject, however, to such provisos and limitations as are contained in the said Act with respect to the cases of assault and battery therein mentioned, and the fine or forfeiture to be imposed in any such case shall be paid to the Receiver-General and Treasurer in aid of the expenses of this Government.

Assaults committed on ship-board punishable in a summary manner.

XV. That if any suit shall be instituted by any seaman in the Court of Vice-Admiralty, or in any other Court of Record within these islands, against the master or owner of any ship or vessel, and it shall appear to the Judge of any such Court, in the course of such suit, that the plaintiff might have had as effectual a remedy by complaint to one or more Justice or Justices of the Peace as hereinbefore provided, then and in every such case it shall be lawful for such Judge, and he is hereby required to certify to that effect, and thereupon no costs of suit shall be awarded to the plaintiff.

Suits instituted in any Court of Record, where Justices might have settled the same, no cost shall be awarded Plaintiff.

XVI. And to avoid doubts in the construction of this Act; Be it, &c., That every person having the charge or command of any

Who deemed Master and who Seamen.

No. 2.
Act 2 Vic.
c. 3.

ship or vessel belonging to any inhabitant of these islands, shall, within the meaning and for the purposes of this Act, be deemed and taken to be the master of such ship or vessel, and that every person who shall be employed or engaged to serve in any capacity on board the same shall in like manner be deemed and taken to be a seaman within the meaning and for the purposes of this Act.

Recovery of
Fines.

XVII. That all penalties and forfeitures imposed by this Act exceeding the sum of Three pounds, for the recovery whereof no specific mode is hereinbefore provided, shall and may be recovered, with costs of suit, in any Court of Record having competent jurisdiction, and all penalties and forfeitures of and under Three pounds, lawful money of these islands, shall and may be recovered, with costs of suit, before any one of Her Majesty's Justices of the Peace before whom any party having incurred the same may have been convicted, one moiety whereof shall be paid to any person prosecuting for the same, and the remainder shall be employed in aid of your Majesty's Government of these islands.

Commence-
ment of Act.

XVIII. That this Act shall commence and come into operation in the Island of New Providence on the first day of August next, and apply to the masters, owners, and crews of all vessels which shall depart from the port of Nassau thereafter, and shall become in force in other parts of this colony on the first day of January next.

SCHEDULE A

(TO WHICH THIS ACT REFERS).

An agreement made pursuant to the directions of an Act of Assembly, made and passed in the second year of the reign of Her Majesty Queen Victoria the First, between the master of the of the port of and the several persons whose names are subscribed hereto.

It is agreed by and on the part of the said persons, and they severally hereby engage to serve on board the said in the several capacities against their respective names expressed, on a voyage from the port of to (*here the intended voyage is to be described as nearly as can be done*) and back to the port of ; and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master or other officer in everything relative to the said and the materials, stores, and cargo thereof, whether on board such in boats, or on shore (*here may be inserted any other clauses which the parties may think proper to introduce, provided the same be not contrary to or inconsistent with the provisions of this Act*).

In consideration of which services, to be duly, honestly, carefully, and faithfully performed, the said master doth hereby promise and agree to pay to the said crew, by way of compensation or wages, the amount against their names respectively expressed. In

witness whereof the said parties have hereunto subscribed their names on the days against their respective signatures mentioned.

No. 2.
Act 2 Vic.
c. 3.

Place and Time of Entry.			Men's Names.	Capacity or Quality.	Amount of Wages per Calendar Month.	Witness to Signature.
Days.	Month.	Year.				

SCHEDULE B

(TO WHICH THIS ACT REFERS).

An Agreement made pursuant to the directions of an Act of Assembly, made and passed in the second year of the reign of Her Majesty, Queen Victoria the First, between the master of the of the port of and the several persons whose names are subscribed hereto.

It is agreed, by and on the part of the said persons, and they severally hereby engage to serve on board the said in the several capacities against their respective names expressed, which is to be employed on a wrecking (*or droghing voyage, as the case may be*) voyage for the space of and the said crew further engage to conduct themselves in an orderly, faithful, honest, careful, and sober manner, and to be at all times diligent in their respective duties and stations, and to be obedient to the lawful commands of the master or other officer, in everything relating to the said and the materials, stores, and cargo thereof, whether on board such in boats, or on shore.

In consideration of which services, to be duly, honestly, and faithfully performed, the said master doth hereby promise to pay to the said crew, such proportion or share of the profits of the voyage as is against their names respectively expressed: Provided always, That no seaman shall claim a discharge, or to be permitted to return to port before the expiration of the time agreed upon as the duration of the voyage. In witness whereof the said parties have hereunto subscribed their names on the days against their respective signatures mentioned.

Place and Time of Entry.			Men's Names.	Capacity or Quality.	No. of Shares.	Witness to Signature.	Intended Length or Duration of Voyage.
Days.	Month.	Year.					

CLASS IV.

WRECKING VESSELS.

No. 1.
Ord. No. 6,
1860.

No. 1.—ORDINANCE No. 6 of 1860.

An Ordinance to amend and consolidate the Laws relating to Wrecks within these Islands, and to establish a Court to Inquire into cases of Wreck and to settle disputed cases of Salvage.
(Passed 11th April, 1860. Confirmed 27th Oct., 1860.)

PREAMBLE.

WHEREAS it is expedient that the laws relating to wrecks within these islands should be consolidated and amended, and that a competent tribunal should be established within the same for holding special inquiries into wrecks, and for settling disputed cases of salvage; May it &c.,

Court of Inquiry into cases of wreck established.

I. That there shall be established within these Islands a Court, to be known by the title of the Court of Inquiry into cases of Wreck and Salvage of the Turks and Caicos Islands, which Court shall have cognizance of, and jurisdiction to inquire into, hear, try, determine, and settle all cases of wreck which may occur within these islands, and all cases of salvage which may be brought before it.

How constituted.

II. That the said court shall consist of the Judge of the Supreme Court of these islands for the time being, and two fit and proper persons to act as assessors, who shall, from time to time, be nominated by the President.

Where and when to meet.

III. That the said Court shall be holden at the Court House at Grand Turk, and shall meet whenever the President shall direct a Court of Inquiry to be held, or whenever an appeal to such Court is made in manner hereinafter directed, and such Court shall have power to adjourn from time to time as often as may be necessary.

Appointment of a Clerk.
Process how served.

IV. That it shall be lawful for the President to appoint some fit and proper person to be clerk to the said Court.

V. That all summonses and warrants to be issued out of the said Court shall be under the hand of the Judge and the seal of the said Court, and shall be directed to the high constable, who shall serve the same, or cause them to be served by some other constable.

Practitioners in the said Court.

VI. That all attorneys of the Supreme Court may practise as council of the said Court.

Boats and vessels to be licensed.

VII. That from and after the commencement of this Ordinance, all vessels and boats intended to be employed, either casually or continually in wrecking within these islands, shall be licensed for that purpose, under the hand and seal at arms of the President, each of which licences shall have a distinguishing number, and shall be according to the form set forth in the Schedule to this Ordinance annexed, and shall continue in force for one year and no longer.

No boat or vessel to work at a wreck without licence,

VIII. That it shall not be lawful for the master and crew of any boat or vessel not licensed to work at any wreck, and any person working at a wreck in contravention of this clause shall forfeit all claim to salvage in respect of any services rendered by him: Provided always, that nothing herein contained shall be construed to extend to prevent unlicensed vessels or boats from being employed in rendering assistance to vessels, persons, and goods wrecked,

except when not a sufficient number of licensed boats present.

No. 1.
Ord. No. 6,
1860.

stranded, or otherwise in peril, in cases where there may be no licensed vessels or boats, or not a sufficient number of licensed vessels or boats present to render efficient and timely aid to the particular vessel, persons, or goods so being there wrecked, stranded, or in peril.

IX. That there shall be paid at the office of the Colonial Secretary at Grand Turk, and at the offices of the several acting secretaries of the colony,

	£	s.	d.	Fees for licences.
On the annual wrecking licence for every open boat under five tons burthen	0	10	0	
For every vessel with a deck, of five and not exceeding ten tons burthen	1	0	0	
For every vessel of ten, and not exceeding twenty tons	1	10	0	
For every vessel of twenty tons burthen and upwards	2	0	0	

X. That it shall not be lawful for the master of any vessel, licensed under this Ordinance (open boats excepted) to employ on board of such vessel any person or persons without first entering into an agreement in writing with every such person in manner and in accordance with the form prescribed by, and under the penalties imposed by the Act of Assembly of the Bahama Islands, passed in the second year of Her present Majesty's reign, ch. 3.

Crews employed in wrecking to enter into agreement in writing, except in cases of open boats.

XI. That the master of every vessel or boat licensed under this Ordinance shall provide for such vessel or boat a flag, showing conspicuously the distinguishing number of her licence in dark figures at least eighteen inches long on a white ground, which flag shall always be displayed at the head of the mast, or of one of the masts, of such boat or vessel, while such boat or vessel is employed at any wreck, or in rendering assistance to any vessel in distress, as also on approaching any wrecked or stranded vessel, or any vessel in distress, and on entering port after having been at any such wreck, or employed in rendering assistance to any vessel in distress as aforesaid, and such flag shall also be kept displayed at all times while any wrecked property shall be, and remain on board of such boat or vessel, and every master of any such licensed boat or vessel who shall neglect to provide himself with a proper flag as aforesaid, or who shall neglect to display such flag in manner aforesaid, or who shall display a flag with a false number, shall for every such neglect forfeit and pay a penalty of not less than Five shillings, nor more than Five pounds: Provided always, that in the case of row-boats the distinguishing number of the licence shall be painted in the like conspicuous manner on the bow of every such boat.

Number of licence to be marked in the flag to be displayed when employed at a Wreck, or while any wrecked property is on board, under penalty for omission.

XII. That the master or person in charge of any such licensed vessel of ten tons, who shall first board any vessel wrecked, stranded, or in distress, or if two or more such masters board any such vessel simultaneously, then one of them to be selected by the master or other chief officer or person in charge of such vessel, or if no vessel of ten tons shall be at such wreck, then some one of the salvors present to be selected by the master or officer in charge of such vessel, shall, under the direction of such master, chief officer, or other person aforesaid, become the leader of all wreckers employed at or engaged in saving property from, or otherwise rendering assistance to any vessel, and such person shall be styled the wreck master; and it shall be his duty to aid the master or other

Number of licence to be painted on bows of Row-boats, Who to be the wreck master.

His duties.

No. 1.
Ord. No. 6,
1860.

Penalties for
disobedience
of orders of
wreck master
or other officer.

Duty of wreck
master in
respect to
passengers and
wrecked crews.

Respecting
the custody of
wrecked goods.

Persons de-
barred by
sentence of
Court not to
be employed
at a wreck.

Crews of
wrecking ves-
sel to haul
alongside of a
wreck in the
order in which
they shall first
arrive.

chief officer, or other person in charge of the vessel so wrecked, stranded, or in distress as aforesaid, to preserve order and adopt all measures to give every facility, at the command of the salvors, for the preservation of life and property, and generally to see that the regulations established by this Ordinance be observed and obeyed by all persons concerned; and any person wilfully or knowingly acting contrary to, resisting the authority of, or otherwise disobeying the orders of such master, chief officer, or other person in charge as aforesaid, or of the wreck master aforesaid, or who shall commit any act of violence, or make use of any threat towards any other person employed thereat, shall on conviction be liable to pay a fine of not less than One pound, nor exceeding One hundred pounds, or to imprisonment for any term not exceeding Six months, in addition to which punishment every person so convicted shall be liable to permanent or temporary disqualification from commanding or serving on board of a wrecking vessel or boat in manner hereinafter provided for.

XIII. That it shall be the duty of the wreck master, whenever thereto required by the master or officer in charge of any vessel wrecked, stranded, or in distress, to select from among the licensed vessels then being present a commodious vessel to convey the passengers, officers, and crew of such wrecked, stranded, or distressed vessel, with their personal baggage and effects, to such port within the Government as the said master shall designate, and the masters, owners, officers, and crew of every licensed vessel so employed shall be entitled to salvage, to be estimated according to the size of the vessel so employed, and which shall be a charge on the wrecked, stranded, or distressed vessel, her materials and cargo, and shall have priority over all other claims for salvage.

XIV. That whenever any wrecked or derelict property, goods, or merchandise shall be brought to any port within the colony, the Receiver-General and Treasurer, or other revenue officer acting for him, shall select and appoint some secure, convenient, and commodious place or places where the aforesaid wrecked or derelict property, goods or merchandise shall be stored, and remain under the custody of some officer of the revenue until sold, and if after such place be appointed, any salvor shall refuse or neglect to land or store such property, goods, or merchandise as aforesaid, or any part thereof, at such appointed place or places, he shall forfeit all salvage upon the property, goods, or merchandise otherwise landed or stored, and such property, goods, or merchandise may be recovered and seized in the same manner as if they had been embezzled.

XV. That all persons debarred from the privilege of commanding or serving on board of vessels or boats licensed under this Ordinance shall forfeit all shares to which they would be entitled during the period of the continuance of their disqualification if they shall be employed by the owner or master of any such licensed vessel or boat.

XVI. That in case of stranding where the vessel cannot be saved, it shall be the duty of the wreck master to see that there be no crowding of the crews of the wrecking boats and vessels on board of the wreck, so as to impede the proper and careful saving of the cargo, but that only as many as can conveniently and expeditiously work, haul alongside at the same time, priority being given as

nearly as practicable in the order in which they may have arrived, and that it shall not be lawful to land any property from a wreck elsewhere than at the port of discharge, unless there shall not be a sufficiency of wrecking vessels to receive the whole, nor until the vessels present shall have been all laden.

No. 1.
Ord. No. 6,
1860.

XVII. And whereas in cases of stranding, the safety of the stranded vessel may be endangered by persons unnecessarily pressing on board thereof; Be it ordained, That it shall be the duty of the wreck master to aid the master, or other chief officer of the stranded vessel, to prevent any person or persons, against the wish or without the consent of such master or other chief officer, from entering on board of such stranded vessel, and, if found necessary, it shall be lawful for such master, or other chief officer, and the wreck master, and any other person or persons whom they shall call to aid, to repel by force any person or persons so improperly pressing on board such vessel; and in case any person shall molest such master, or other chief officer of such vessel, or the wreck master, or any other person aiding them, and employed in the preservation of such vessel, or shall endeavour to impede and hinder the saving of such vessel, and the cargo laden on board thereof, such person shall, on conviction before any two Justices of the Peace, forfeit and pay a sum not less than One pound, and not exceeding Ten pounds, and suffer such imprisonment, not exceeding Three months, as the convicting Justice shall direct: Provided, however, that in the event of the attempts of such master, or other chief officer as aforesaid, and of the wreck master and other persons employed in endeavouring to save such vessel proving unsuccessful; and if it shall become necessary to take out the cargo of such vessel, or obtain sufficient additional aid for the purpose of carrying out anchors, kedges, or warps, or of otherwise assisting the said vessel off the ground, then as many wrecking boats and vessels then present as shall be deemed to be necessary by the wreck master shall be permitted by him, in the order in which they may have come to the assistance of such vessel (as in the next preceding section provided), to haul alongside, and obtain a load of the cargo, or other property belonging to such vessel, until the whole thereof be saved, or to afford such assistance as aforesaid, as the case may be; and if any such wreck master shall without reasonable and just cause refuse to give such permission, or conform to the terms of this Ordinance, he shall, on conviction before any two of Her Majesty's Justices of the Peace, forfeit and pay a sum not exceeding Fifty pounds, and in default of payment, be imprisoned for any period not exceeding Eighteen months, and also forfeit his licence for a period of Twelve months, in addition to his liability to the party aggrieved in an action for damages.

Wreck master or other officer authorized to repel by force persons unnecessarily pressing on board of a wreck.

Penalty on wreck master for preventing persons working at a wreck when assistance is necessarily required.

XVIII. That it shall not be lawful for any person employed in saving property from a wrecked vessel to break open, cut, chop, or otherwise purposely injure any package of the cargo, or lading of such wreck for the purpose of ascertaining the contents thereof, but every part of the lading of such wrecked vessel, and of all other property on board of or belonging to such wreck shall be saved if practicable in the state and in the order in which the same may be found or may come to hand; nor shall it be lawful for the cables and anchors attached to any wreck to be removed therefrom, or the lower masts and standing rigging, or the tackles, blocks,

Unlawful to break open packages to ascertain contents.

No. 1.
Ord. No. 6,
1860.

Or to remove
anchors, or to
cut away lower
masts, until
cargo all saved.

Unlawful for
masters of
wrecked ves-
sels to make
any bargain
with masters
of wrecking
vessels for
participation
of salvage.

Any agreement
for assistance
rendered may
be referred by
either party for
adjudication.

Remuneration
for services of
wreck master.

Extra remun-
eration for
injury sustained
in working at a
wreck.

In case of loss
of life, extra
remuneration
to be paid to
personal re-
presentative.

and other portions of the gear of such wreck, necessary to facilitate the removal and preservation of the cargo be cut away, or removed, except by consent of the captain or other person in charge, until such cargo shall have been saved; and any person offending in any of the particulars aforesaid shall, on conviction before any two Justices of the Peace, forfeit and pay a penalty of not less than One pound, nor more than Ten pounds; and shall also forfeit all right and title to participate in any salvage awarded for the saving of any such property, besides being disqualified by the convicting justices from commanding or serving on board of a wrecking vessel or boat for a period not exceeding Six months.

XIX. That it shall not be lawful for the master or other chief officer of a vessel stranded, or in distress, and requiring assistance, to make any bargain or agreement with any salvor for a participation in the remuneration or salvage to be obtained by such wrecker for his services under a penalty against such master or other officer of One hundred pounds, and against any salvor who shall be a party to such agreement of entire forfeiture of the remuneration or salvage to which he would otherwise have been entitled, and a disqualification from commanding or serving on board of a wrecking vessel or boat for a period not exceeding two years.

XX. That any agreement made between the master or other chief officer in charge of any vessel in distress, or stranded within the waters of these islands, and any master or any person belonging to a licensed vessel or boat, for the services to be rendered by the latter, shall not be binding on either party, if after he or they shall have arrived at any port within the colony where the question of compensation for the services which shall have been performed can be legally and equitably adjudicated, he or they shall think proper to refer or submit such question for inquiry and adjudication.

XXI. That the wreck master, in consideration of the trouble and responsibility by this Ordinance imposed on him, shall be entitled to extra remuneration, and it shall be lawful for the Court or Justices of the Peace, by or before whom the question of remuneration or salvage is decided or awarded, if satisfied of the correct and impartial performance by such wreck master, of the several duties imposed on him by this Ordinance, to award to such wreck master an extra salvage, or remuneration from Five to Twenty pounds, as according to the circumstances of the case, and the whole amount of salvage earned, the Court or Justices shall consider equitable. And it shall also be lawful for the said Court or Justices to award to any person engaged in the saving of any property (for which service the said Court or Justices shall award salvage generally) who may be seriously injured or wounded in such service, a compensation therefor out of the property saved on the occasion, of any sum not exceeding Twenty pounds, in addition to any salvage to which such wounded or injured person may be entitled; and in case any person shall lose his life while engaged in such service, it shall be lawful for such Court or Justices to award, from the property saved, to the widow or other personal representative or representatives of any person so losing his life, a sum not exceeding Twenty pounds, in addition to any salvage such deceased person may have earned for salvage of such property or any part thereof.

XXII. That if the master of any vessel or boat licensed under

this Ordinance shall take out of the colony any wrecked, stranded, or derelict property saved by him, his officers or crew, or of which he or they shall in any way become possessed under the authority of this Ordinance, every such master, and every person aiding and assisting him in so doing, shall forfeit and pay a sum not less than Fifty pounds, nor exceeding Five hundred pounds; and if any master as aforesaid of any licensed vessel or boat shall neglect or refuse with all convenient speed to convey any wrecked, stranded, or derelict property saved by himself, his officers or crew, either to the port of Grand Turk or to such other port of entry within the colony as may be selected for that purpose by the master of the wrecked or stranded vessel, every such master so offending shall, for every such neglect or refusal, forfeit and pay a sum not less than Ten pounds, nor exceeding Fifty pounds.

XXIII. That all Her Majesty's naval officers who may be stationed, or happen to be on or near the limits of these islands, and who shall fall in with or arrive at any vessel wrecked, stranded, or in peril, within the waters of these islands, may, at the solicitation of the master of the wrecked vessel, assume the duties, and be invested with the full power and authority of wreck master, and who shall be guided and bound by all the provisions of this Ordinance for the guidance of the said wreck master.

XXIV. That whenever any ship is lost, abandoned, or materially damaged within the waters of these islands, it shall be lawful for the principal revenue officer, or some other revenue officer deputed by him, or such other person as may be appointed by the President, residing at or near the place where such loss, abandonment, damage, or casualty occurred, to make inquiry respecting such loss.

XXV. That the said revenue officers respectively, or other person so appointed as aforesaid, shall, as soon as practicable, proceed to examine upon oath (which oath they are hereby respectively empowered to administer) any person or persons belonging to any vessel wrecked, or to which any casualty shall have occurred within the limits of the Government of these islands, or any other person who may be able to give any account of the matters following, that is to say:—

- 1st. The name and description of the ship.
- 2nd. The name of the master and of the owners.
- 3rd. The names of the owners of the cargo.
- 4th. The ports or places from and to which the ship was bound.
- 5th. The occasion of the distress of the ship.
- 6th. The services rendered.
- 7th. All such other matters or circumstances relating to such ship, or to the cargo on board the same, as the said revenue officers or other person so appointed as aforesaid think necessary.

XXVI. That immediately after having made such investigation as aforesaid, such revenue officer or officers, or other person so appointed as aforesaid, shall report to the President upon the nature and causes of any accident or damage which any ship has sustained, or is alleged to have sustained, and for the purposes aforesaid, every such revenue officer, or other person so appointed as aforesaid, in cases where he has reason to suspect that the provisions of this Ordinance, or the laws for the time being relating to merchant

. No. 1.
Ord. No. 6,
1860.

Penalty on master of wrecking vessel for taking wrecked property out of the colony.

Naval officers may assume the duties of wreck master.

Revenue officers to make inquiry respecting wrecks, and report to the President of the Colony.

And examine persons on oath.

Powers vested in Revenue Officers in certain cases.

No. 1.
Ord. No. 6,
1860.

seamen are not complied with, or are in any way violated, shall have the following powers, that is to say:—

1st. That he may go on board any ship which may be or may have been in distress, or any vessel or boat licensed under this Ordinance, and inspect the same, or any part thereof, or any of the machinery, boat's equipments, or articles on board thereof, to which the provisions of this Ordinance apply, not unnecessarily detaining her from proceeding on any voyage.

2nd. He may enter and inspect any premises, the entry or inspection of which appears to him to be requisite for the purposes of the report which he is hereby directed to make.

3rd. He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers, or returns to any inquiries he thinks fit to make.

4th. He may require and enforce the production of all books, papers, or documents which he considers important for such purpose.

5th. He may administer oaths, or may in lieu of requiring or administering an oath, require every person examined by him, to make and subscribe a declaration of the truth of the statement made by him in his examination.

6th. Every person who refuses to attend as a witness before any such revenue officer, or other person appointed as aforesaid, after having been required to do so in manner hereby directed, or who shall refuse or neglect to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declaration which such revenue officer or other person appointed as aforesaid is hereby empowered to require, shall for each offence incur a penalty not exceeding Ten pounds.

XXVII. Every person who wilfully impedes any such revenue officer, or other person appointed as aforesaid, in the execution of any duty, or in the exercise of any of the powers imposed on or vested in such revenue officer, or other person appointed as aforesaid by this Ordinance, shall, on conviction thereof, be liable to a penalty not exceeding Twenty pounds.

XXVIII. If it appears to the President, either upon or without such preliminary inquiry as aforesaid that a formal investigation is requisite or expedient, he shall direct the Court to hear the case; and such Court shall thereupon proceed to hear and try the same, and shall for that purpose, so far as relates to the summoning of parties, compelling the attendance of witnesses, and the regulation of the proceedings, have the same power as if the same were a proceeding relating to an offence or cause of complaint upon which Justices of the Peace have power to make a summary conviction or order, or as near thereto as circumstances permit, and upon the conclusion of the case the said Court shall send a report to the President containing a full statement of the case, and of its opinion thereon, accompanied by such extracts from the evidence and such observations (if any) as it may think fit.

XXIX. And if in the course of any such investigation it shall appear to the Court conducting the same that there is a reasonable ground for believing that any criminal offence, over which the Courts of law of the colony or the Magistrates thereof have jurisdiction, has been committed by any person or persons whomsoever,

Penalty for
impeding Re-
venue Officer
in his duty
under this Or-
dinance.

The President
may direct a
case of wreck
to be investi-
gated by the
Court of In-
quiry.

In case of cri-
minal offences,
how offender
to be dealt
with.

it shall be lawful for such Court to deal with the person or persons on whom such suspicion rests, as aforesaid, in the same and like manner as if such person or persons had been brought before a Justice or Justices of the Peace, charged with such offence as aforesaid; and all subsequent proceedings for the investigation of the charge, and trial of such person or persons, shall be had and conducted in the same and the like manner as if a charge had been regularly made against such person or persons in the ordinary form in which criminal charges are laid.

XXX. That it shall be lawful for the President to defray, by warrant out of the Public Treasury, one moiety of all expenses attending the establishment of the said Court, and the holding of such official investigations as aforesaid, provided that the other moiety be defrayed by the Home Government: Provided also, that the moiety of the expenses to be defrayed out of the Public Treasury of this colony, for the establishment of the said Court, and for making such investigations, shall not exceed One hundred pounds in any one year.

XXXI. That whosoever shall wilfully and unlawfully set fire to, cast away, or in any way destroy any vessel within the limits of the government of these islands, or who shall exhibit any false light, or other signal, with intent to bring any vessel then being on or near the coasts of these islands into danger, or who shall unlawfully destroy by fire or otherwise any vessel which may be wrecked, or otherwise in distress or peril, on or near the coasts of these islands, or any part of any such vessel, or any property or effects then being, or which had been laden on board of any such vessel, or who shall unlawfully do anything tending to the immediate loss or destruction of any vessel, then being in distress or peril, on or near the coasts of these islands, or who shall conspire or otherwise agree with any other person to do anything tending to the loss, destruction, injury, or placing in peril of any vessel within the limits of the government of these islands, or on or near the coasts thereof, or of any property or effects laden or being on board of any such vessel, or who shall by force prevent or impede any person endeavouring to save his life from any vessel which shall be in distress, or wrecked, stranded, or otherwise cast ashore within the limits aforesaid (whether he shall be on board, or shall have quitted the same), shall be guilty of felony, and, being convicted thereof, shall be liable to be imprisoned, with hard labour, for any term not less than One, nor exceeding Five years.

XXXII. That whosoever shall plunder, or steal any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore within the limits of this Government, or on or near the coasts thereof, or any money, goods, or articles of any kind belonging to, or on board of any such ship or vessel, or which may have been otherwise wrecked, stranded, or cast ashore, shall be guilty of felony, and, on conviction, shall be liable to be imprisoned, with hard labour, for any term not less than Six months, nor exceeding Five years: Provided, however, that in all cases of larceny or embezzlement of wrecked or stranded property, when the value shall not exceed the sum of Five pounds, it shall be lawful for any two of Her Majesty's Justices of the Peace to adjudicate, if they shall think fit so to do, in a summary manner, without the intervention of a jury, and to adjudge the party charged with any

No. 1.
Ord. No. 6,
1860.

Expense of the establishment of a Court of Inquiry, how defrayed.

Willful destruction of property, or exhibiting false lights, or conspiring with others to effect the same; or impeding persons in saving their lives from a wreck, how punished.

No. 1.
Ord. No. 6,
1860.

Fraudulent
detention of
wrecked prop-
erty, how
punished.

such larceny or embezzlement, should such Justices find him guilty thereof, to imprisonment, with hard labour, for any term not exceeding Six months.

XXXIII. That if any person belonging to, or employed, or being on board of any vessel or boat licensed under the authority of this Ordinance, or if any other person who may be employed in wrecking or saving wrecked property, otherwise than under licence as aforesaid, shall, by virtue of such calling or employment, become possessed of any chattel, money, or valuable security, and shall fraudulently retain possession of, or dispose of the same, or any portion thereof, in violation of the just rights of the owner or owners thereof, but under such circumstances as shall not amount in law to larceny or embezzlement, every person so offending shall be guilty of a misdemeanour, and shall be liable, where the value of the article or articles retained or disposed of as aforesaid shall not exceed Ten pounds, on conviction before any two of Her Majesty's Justices of the Peace, to be imprisoned, with or without hard labour, for any term not exceeding Three months; and where the value of the article or articles, as aforesaid, shall exceed Ten pounds, on conviction in the Supreme Court of these islands, to be imprisoned, with or without hard labour, for any term not exceeding Two years; and every person so convicted as aforesaid shall, in addition to the punishment aforesaid, be disqualified from again commanding or serving on board of a wrecking vessel or boat for a period not exceeding Twelve months, if the Justices or Court shall so think fit, and shall also forfeit all claim to any share or shares of salvage or remuneration to which he would otherwise have been entitled, one moiety of which share or shares shall be collected and paid into the Treasury of these islands, in aid of the expense thereof, and the other moiety thereof to the person or persons who shall have given information sufficient to convict the offender or offenders: Provided always, that if upon the trial of any person charged with a misdemeanour under this section, it shall be proved that the property in question was taken in such a manner as to amount in law to larceny or embezzlement, such person shall not by reason thereof be entitled to be acquitted of such misdemeanour.

Search-warrant
to be granted
to master of
wrecked vessel
or his agent, or
to the Consul
or Consular
Agent, to search
for wrecked
property.

XXXIV. That in case the master or any other officer of any vessel which may have been wrecked, stranded, cast away, or otherwise in peril within the limits of this Government, or the Consul, or Consular Agent, of any foreign state or potentate, or the agent of the said vessel, or the agent of the underwriters, or other persons concerned and interested in any money, goods, wares, merchandise, ships' materials, or articles of any kind that may have been on board of the said vessel at the time of her being so wrecked, stranded, cast away, disabled, abandoned, or sunk, shall make oath before a Justice of the Peace, that he has reason to believe that any part of the cargo, materials, or articles, as aforesaid have been embezzled, or not duly accounted for, and that the masters and crews of any one or more vessels, or others (designating such vessels and persons), have been employed in saving property from any such wrecked, stranded, cast away, or abandoned vessel, or vessel under water, it shall thereupon be lawful for such Justice to grant one or more search-warrant or search-warrants to search the vessels, houses, and premises of the masters and crews

of the said vessels, or other suspected persons, or any one or more of them, for the property, materials, or articles so embezzled, or not accounted for.

XXXV. That if any money, goods, merchandise, ships' materials, or articles of any kind belonging to any ship or vessel in distress, or wrecked, stranded, or cast on shore, deserted, abandoned, or found under water, shall, by virtue of such search-warrant or otherwise, be found in the possession of any person or persons, or on the premises of any person or persons, with his, her, or their knowledge or consent, and any such person being carried before a Justice of the Peace, shall not satisfy the Justice that he, she, or they came lawfully by the same, and did not conceal the same for a fraudulent purpose, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, and the offender, on conviction of such offence before such Justice, shall forfeit and pay over and above the value of the money, goods, merchandise, or articles so found, such sum of money not exceeding Twenty-five pounds, as to the said Justice shall seem meet; and should the person or persons in whose premises or possession such property be found have been instrumental, by himself or servants, in saving the same, or any part of the cargo, materials, or other articles whatsoever that may have come from the ship or vessel from whence the property found shall have come, he, she, or they, and all and every other person or persons so concerned in such embezzlement or fraud, shall forfeit all right to any salvage or remuneration they might otherwise have been entitled to, for services rendered, or property or money saved.

XXXVI. That if any person shall offer or expose for sale any goods, merchandise, or articles whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been taken from any ship or vessel in distress, or wrecked, stranded, or cast on shore as aforesaid, in every such case any person to whom the same shall be offered for sale, or any officer of the revenue, or peace-officer, may lawfully seize the same, and shall with all convenient speed carry the same, or give notice of such seizure to a Justice of the Peace; and if the person who shall have offered or exposed the same for sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such goods, merchandise, or articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward, to be determined by the Justice, to the person who seized the same, and the offender, on conviction of such offence before the said Justice, shall forfeit and pay, over and above the value of the goods, merchandise, or articles, such sum of money, not exceeding Twenty pounds lawful money, as aforesaid, as to the Justice shall seem meet.

XXXVII. That in the case of any felony punishable under this Ordinance, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Ordinance punishable; and every accessory after the fact to any felony punishable under this Ordinance shall, on conviction, be imprisoned for any term not exceeding Two years.

XXXVIII. That all fines and pecuniary penalties imposed by

No. 1.
Ord. No. 6,
1860.

Goods, &c.,
found by virtue
of search-war-
rant to be
delivered up to
owner.

Wrecked pro-
perty offered
for sale, not
duly accounted
for by the per-
son offering the
same, how dealt
with: offender,
how punished.

Accessories
to felony
punishable as
principal.

No. 1.
Ord. No. 6,
1860.

Fines and
penalties, how
recovered.

Proceedings
not defined by
this Ordinance,
to be tried in
Supreme Court.

President and
Council to
frame rules
for carrying
this Ordinance
into effect.

Salvage, when
forfeited, to be
paid into the
Public Treas-
ury.

Defendants
may plead ge-
neral issue.

this Ordinance, the recovery of which is not otherwise provided for, shall, when the amount thereof does not exceed Ten pounds, be recovered before any one of Her Majesty's Justices of the Peace, and, when the same shall exceed Ten pounds, shall be recovered in the Supreme Court of these islands, and the payment of all such fines and penalties shall be enforced by levy and sale of the offender's goods and chattels, or by arrest of the person of the offender, and the committal thereof to any lawful prison within the colony: Provided, however, that no imprisonment under this clause shall extend to a longer period, in case of a recovery before a Justice of the Peace, than Six months, nor in case of recovery in the Supreme Court, to a period of Two years: And provided also, that imprisonment in any such case shall always cease upon the payment of the fine and penalty and costs of proceeding.

XXXIX. That all offences under this Ordinance, in which the mode of proceeding is not by this Ordinance defined, shall be tried in the Supreme Court of these islands, and it shall be lawful for the said Court, on the conviction of a person for any such offence, or for any other offence over which the said Court shall have jurisdiction, as also for any Justice or Justices of the Peace in cases in which such Justice or Justices has or have the power of summary adjudication, to add to any sentence, which they may now or hereafter be empowered to pass upon any person who shall have been duly convicted of any offence punishable by law, that the convicted person shall be, either for a definite period or thereafter wholly, disqualified from commanding or serving on board of a wrecking vessel or boat.

XL. That the President in Council shall have the general superintendence of all matters connected with the provisions of this Ordinance, and it shall be lawful for the President in Council from time to time to make such regulations as may be deemed needful for carrying into effect the provisions of this Ordinance, which regulations, together with a synopsis of this Ordinance, shall be furnished to every master of a vessel or boat licensed under this Ordinance.

XLI. That any person who may be convicted of any offence under this Ordinance shall, in addition to the pains and penalties attached to such offence, forfeit all claim to any salvage remuneration for services performed under this Ordinance in respect of the particular vessel or property to which such offence related, and the amount of the share of such person shall be collected by the Receiver-General and Treasurer, and one moiety thereof shall be paid into the Public Treasury in aid of the expenses of the Government, and the other moiety to the person or persons who shall have given information sufficient to convict the offender: Provided always, that nothing herein contained shall be construed to apply to the forfeiture of the shares of the owner or other person interested, unless he or they shall have been proved to be a party or parties to the commission of such offence.

XLII. That if any action or suit shall at any time be commenced or prosecuted against any person or persons for anything done in pursuance of this Ordinance, the defendant or defendants in such suit or action may plead the general issue and give this Ordinance and the special matter in evidence at the trial of such action or suit, and that the same was done in pursuance and by the autho-

urity of this Ordinance, and if the plaintiff be nonsuited or discontinued his action after appearance, or if judgment be given for the defendant or defendants, such defendant or defendants shall be entitled to his costs.

No. 1.
Ord. No. 6,
1860.

XLIII. That in all cases of conviction under this Ordinance before Justices of the Peace, the parties convicted shall have a right to appeal against such conviction to the said Court of Inquiry according to the provisions contained in Ordinance No. 16 of 1849, entitled an Ordinance for regulating appeals in cases of summary conviction, which provisions shall be held to apply to all such appeals, but the conviction and minutes of evidence shall be sent by the convicting Justice or Justices to the Clerk of the Court of Inquiry, and the petition setting forth the grounds of appeal shall be filed by the appellant with the said clerk instead of the Clerk of the Crown as is directed in the said Ordinance.

Convictions before Justices of the Peace may be appealed from to the Court of Inquiry.

XLIV. Whenever any ship or boat is wrecked, stranded, or otherwise in distress, and services are rendered by any person,—

1st. In assisting such ship or boat ;

2nd. In saving the lives of the persons belonging to such ship or boat ;

3rd. In saving the cargo or apparel of such ship or boat or any portion thereof, there shall be payable by the owners of such ship or boat, cargo, apparel, or wreck, to the person by whom such services are rendered, or by whom such wreck is saved, a reasonable amount of salvage, to be determined in case of dispute in manner hereinafter mentioned.

Reasonable compensation to be paid by owners for services rendered to vessels in distress.

XLV. That whenever any dispute shall arise between the master, chief officer, owner, agent, or consignee of any such ship, boat, cargo, apparel, or wreck as aforesaid, or in case of derelict property, or unclaimed wreck, the Provost Marshal and the salvors, as to the amount of salvage, and the parties to the dispute cannot agree to the settlement thereof, then such dispute may, with the consent of the parties, be referred to the arbitration of two Justices of the Peace, of whom each party to the dispute shall nominate one ; and in the event of such Justices disagreeing as to the amount of salvage to be awarded, such Justices shall select and appoint a third Justice of the Peace who shall act as an umpire ; Provided always that if either of the parties to the dispute does not consent to have the amount of salvage referred to arbitration, or if after an arbitration either party is dissatisfied with the award given by such Justices or umpire as aforesaid, then upon application by either of the said parties or their respective agents, every such disputed claim with respect to salvage may be heard and adjudicated by the said Court of Inquiry.

Disputed cases of salvage to be settled by Justices of the Peace or before the Court of Inquiry.

XLVI. That every revenue officer appointed to take charge of wrecked property shall be furnished by the Colonial Secretary with a list of all the boats and vessels which have been licensed, and the date of such licences ; and whenever any person in charge of any vessel or boat which has been employed at a wreck shall land any wrecked property, it shall be the duty of such revenue officer to satisfy himself, by inspection of the licence or otherwise, that every such boat has been licensed, and that such licence is still in force, and if any boat so employed shall be found to have no valid licence, the revenue officer shall forthwith report the same to the Receiver-General and Treasurer, and whenever the question of salvage shall

Provided
that if either of the parties to the dispute does not consent to have the amount of salvage referred to arbitration, or if after an arbitration either party is dissatisfied with the award given by such Justices or umpire as aforesaid, then upon application by either of the said parties or their respective agents, every such disputed claim with respect to salvage may be heard and adjudicated by the said Court of Inquiry.

No. 1.
Ord. No. 6,
1860.

be submitted for decision either to the Justices or to the Court, it shall be the duty of the Receiver-General to furnish the parties who are appointed to decide such question with a list of all such unlicensed boats in order that the law may be enforced against the masters and crews of such boats.

XLVII. That the said Justices or their umpire, or the said Court may call for the production of any documents in the possession or power of either party which they or he or the said Court may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Fees for arbitration.

XLVIII. That all magistrates lawfully acting as arbitrators or umpires in all matters of award of salvage or remuneration for services rendered under the provisions of this Ordinance, shall be entitled to receive for each case on which they shall be lawfully employed as aforesaid the sum of One pound, and any warehouse-keeper giving his attendance at any warehouse for the receiving and delivering of any wrecked or derelict goods shall be entitled during extra hours to receive Six shillings sterling for every such extra hour; such sums to be deducted and paid out of the gross proceeds of the sale of the wreck, or of the goods or merchandise recovered from such vessel, wrecked, stranded, or in distress.

Remuneration to warehouse-keeper for extra services.

Arbitration may be deferred until after sale of goods, on bond being given by master, &c., of wrecked vessel.

XLIX. That the master, chief officer, owner, agent, or consignee of any vessel wrecked, stranded, or in distress, may refuse to submit the question of salvage to arbitration until the sale of such wrecked or other property shall have been concluded, and in such case, such master, chief officer, owner, agent, or consignee as aforesaid shall enter into bond with good and sufficient sureties to abide the award of the arbitrators, or the decision of the said Court of Inquiry in such case, and to pay the salvage to be awarded within a reasonable time, such bond to be entered into before the Receiver-General and Treasurer, and to his satisfaction; and upon such bond having been given, it shall be lawful for such master, chief officer, owner, agent, or consignee as aforesaid, to require the sale of such wrecked or other property at public auction.

Proceeds of derelict property, how disposed of.

L. That the Provost Marshal of these islands, whenever any derelict goods may come into his hands by virtue of his office before selling the same at public auction, shall give public notice of such sale, and whenever it shall be made to appear to the satisfaction of the President in Council that there is no reason to believe that any lawful claimant to any such derelict property can or will ever appear, in such case it shall be lawful for the President to direct the sale of such property by the Provost Marshal without waiting for the expiration of twelve months from the period when the same was saved; and the net proceeds of such sale, after the payment of the salvage awarded, shall be paid over to such person as may be appointed as receiver of droits of Admiralty within these islands.

Derelict property to be sold by Provost Marshal.

LI. That the Provost Marshal is hereby authorized to conduct the sale of any derelict property without the intervention of an auctioneer, and for such sale shall be entitled to charge a commission of five per cent. on the gross proceeds arising therefrom, and no more.

LII. That this Ordinance may be cited for all purposes as the Court of Inquiry Ordinance, No. 6, 1860.

LIII. That the word "President," whenever it occurs in this Or-

dinance, shall be understood to mean the person lawfully administering the Government for the time being, and that the word "Council" shall be understood to mean the Executive Council of these islands, and that the word "ship" shall include every description of vessel used in navigation not propelled by oars, and the word "wreck" shall be understood to include jetsam, flotsam, logan, and derelict, found in or on the shores of the sea, or any tidal water.

LIV. That from and after the commencement of this Ordinance, the Act known as 11th of Victoria, chapter 24, in the printed copies of the Laws of the Bahamas, and also the 8th section of the Act 2nd Victoria, chapter 3, and also the 5, 6, 7, and 8th sections of the Act 4th Victoria, chapter 25, and also the 17, 18, 19, and 20th sections of the Act of the 2nd Victoria, chapter 5, severally extended to these islands, also Ordinance No. 7 of 1854, shall be, and the same are hereby repealed.

No. 1.
Ord. No. 6,
1860.

Words explained.

Laws repealed.

SCHEDULE.

FORM OF LICENCE.

Turks and Caicos Islands.

By His Honour (the President of the said Islands).

These are to license the British Schooner (*or other description of vessel or boat, as the case may be*) of and belonging to the port of _____ whereof _____ is or are owner or owners, to sail and be employed as a wrecking vessel within the limits of the Government of the Turks and Caicos Islands, under the authority of an Ordinance of the Legislative Council of the said islands, passed in the twenty-third year of Her Majesty's reign, entitled, "An Ordinance to Amend and Consolidate the Laws relating to Wrecks within these Islands, and to establish a Court of Inquiry into cases of Wreck, and to settle disputed cases of Salvage."

Given under my hand and seal at arms, at Grand Turk, this _____ day of _____ in the year of our Lord One thousand eight hundred and _____ and in the _____ year of Her Majesty's reign.

CLASS V.

LIGHTHOUSE.

No. 1.—ORDINANCE No. 11 of 1849.

An Ordinance to provide for the Maintenance and efficient Regulation of a Lighthouse at Grand Turk. (Passed 29th Aug., 1849. Confirmed 18th Feb., 1851.)

No. 1.
Ord. No. 11,
1849.

WHEREAS it is considered absolutely necessary, for the security of navigation and shipping, and for the encouragement of trade, that a Lighthouse should be erected and maintained on some part of Grand Turk, Turks Islands. In consequence of such necessity, we, therefore, your Majesty's dutiful and loyal subjects, the President and the Legislative Council of the Turks

PREAMBLE.
Authorizing the erection of a Lighthouse on Grand Turk.

No. 1.
Ord. No. 11,
1849.

Lighthouse
to be placed
under the
management of
the Port Officer.

Appointment
of Keepers.

Providing
materials and
other necessa-
ries.

Port Officer to
make rules.

Light duty
of 3d. per ton
on all vessels
entering at any
Port within
these Islands.

Officers or
other persons
sued may
plead the ge-
neral issue.

Keepers to
give bond.

Keepers liable
to a fine for
neglect.

and Caicos Islands, do most humbly and earnestly beseech your Majesty, that it may graciously please your Majesty to approve of, and to order the erection of a lighthouse at Grand Turk, Turks Islands, and that it may be ordained, and be it ordained by His Honour Frederick Henry Alexander Forth, Esquire, President of the Council administering the Government of the Turks and Caicos Islands, and the Legislative Council of the said islands, and it is hereby ordained by the authority of the same, that such lighthouse, when erected, shall be under the superintendence, direction, and management of a port officer for these islands, to be hereafter nominated, subject to your Majesty's approval, by the President or officer administering the Government.

II. And be it further ordained, that the said port officer shall have power, subject to the approval of the President, to appoint, during pleasure, keepers for the said lighthouse, and shall have authority to purchase and provide, by contract or otherwise, with the approval of the President, all candles, wicks, materials, and all other necessities for the said lighthouse, and also to provide for the keeping of the said lighthouse in good order and condition, and to make rules for the guidance of the keepers aforesaid, which rules, when approved of by the President, shall be in full force.

III. And whereas it is necessary to provide for the expense attending such lighthouse, be it further ordained, that so soon as the said lighthouse shall have been erected as herein provided, and shall be properly lighted, there shall be paid, or security in double the amount given for the same, to the Receiver-General or Assistant Receiver-General, on behalf of Her Majesty, her heirs, and successors, for the public use and support of Her Majesty's Government, upon every ship or vessel arriving at any port within these islands, and coming to an entry, the sum of Threepence per ton, for each and every ton of the registered tonnage of such ship or vessel: Provided that the vessels of Her Majesty's Navy, or any vessel wholly engaged and employed as a transport or storeship in the service of Her Majesty, her heirs, or successors, and all steamers, shall be wholly exempt from paying the said toll.

IV. And be it further ordained, that in case any action or suit shall be commenced against the said port officer, Receiver-General, or Assistant Receiver-General, or any other person acting in their behalf, for anything done in pursuance of this Ordinance, the defendant or defendants in such action or suit may plead the general issue, and may give this Ordinance and the special matter in evidence.

V. And be it further ordained, that the keepers of the lighthouse shall not be entitled to have and receive any salary or remuneration under this Ordinance, until they shall have entered into a bond or bonds to Her Majesty, her heirs, and successors, with sufficient sureties in sums not exceeding altogether One hundred pounds, conditioned for the faithful discharge of the duty devolving upon them, and in case any such keepers shall be convicted before the said port officer of any neglect or wilful misconduct in their office, he or they shall be liable to a fine not exceeding Twenty pounds, or to the forfeiture of his or their bond or bonds, or to dismissal, or to all or any of the three, according to the nature of his or their offence.

VI. And be it further ordained, that if any person shall steal

from the said lighthouse, any tools, stores, or materials, necessary for keeping the said light, or lighthouse, in good and efficient order, or shall wilfully, maliciously, or wantonly do, or cause any mischief or damage to the said lighthouse, or to the lamps, glasses, or to any part of the apparatus belonging to the same, such offender, on conviction thereof, shall be liable to imprisonment with hard labour, for any term not exceeding seven years.

VII. And be it further ordained, that the port officer, for the expense he may incur in supervising the said lighthouse and the keepers of the same, shall be entitled to have and receive an allowance at and after the rate of Thirty pounds per annum, to be paid by warrant in the usual manner.

VIII. And be it further ordained, that there shall be allowed for the maintenance of such lighthouse, and for defraying the salaries of the keepers of the said lighthouse, a sum not exceeding Four hundred pounds per annum, to be accounted for, and to be paid by warrant in the usual manner.

IX. Definition of the word President.

X. And be it further ordained, that nothing herein contained shall be of any force or effect until Her Majesty's assent shall have been obtained thereto, nor until the said lighthouse shall have been completed, nor until Her Majesty's assent shall have been signified by proclamation, nor until a day to be in such proclamation fixed for the commencement thereof, and from that period shall be and shall continue in force during Her Majesty's life, and six months after that period.*

XI. And be it further ordained, that so soon as Her Majesty's assent to this Ordinance shall have been proclaimed, and the said lighthouse shall have been completed and properly lighted, the President or officer administering the Government shall direct a notice thereof to be published within these islands, for Three months, and the tolls payable under this Ordinance shall be payable on the Tenth day from and after the day of the date of such notice, and shall continue to be payable during the continuance of this Ordinance.

No. 1.
Ord. No. 11,
1849.

Penalty for
stealing stores,
&c., from
Lighthouse, or doing injury to same.

Allowance to
Port Officer
for supervising
Lighthouse,
£30 per annum.

Allowance
for the main-
tenance of the
Lighthouse
not to exceed
£400 per an-
num.

When this
Ordinance to
come into op-
eration.

Notice of
Her Majesty's
assent to be
published
within these
Islands for
Three months.

No. 2.—ORDINANCE No. 7 of 1850.

An Ordinance to amend the Ordinance No. 11 of 1849, entitled "An Ordinance to provide for the Maintenance and efficient Regulation of a Lighthouse at Grand Turk." (Passed 1st August, 1850. Confirmed 18th Feb., 1851.)

No. 2.
Ord. No. 7,
1850.

WHEREAS in and by an Ordinance entitled, "No. 11 of 1849, an Ordinance to provide for the Maintenance and efficient Regulation of a Lighthouse at Grand Turk (Turks Islands)," it is amongst other things ordained, that there shall be allowed for the maintenance of such lighthouse, and for defraying the salaries of the keepers of the said lighthouse, a sum not exceeding Four hundred pounds per annum. And whereas it may happen that the said sum of Four hundred pounds may not prove sufficient to defray the expense attending the efficient maintenance of such light; May it

PREAMBLE.
Reciting Or-
dinance No. 11
of 1849.

* Duration perpetual. See Ordinance No. 2, 1851.

No. 2.
Ord. No. 7,
1850.

Authorizing
the President
to issue his
warrant for the
payment of
any sum dis-
bursed for the
maintenance of
a Lighthouse.

Commencement
and duration.

therefore please Your Majesty that it may be ordained, and be it ordained by his honour Frederick Henry Alexander Forth, Esquire, President administering the Government of the Turks and Caicos Islands, and the Legislative Council of the said islands, and it is hereby ordained by the authority of the same that a discretionary power and authority shall be, and is hereby vested in the President or other officer administering the Government of these islands for the time being, and he is hereby authorized and required from time to time to issue his warrant for the payment from the Treasury of these islands of such sum or sums of money as may be found necessary, in order to carry out the provisions of the aforesaid Ordinance over and above the said sum of Four hundred pounds, granted by the before-recited Ordinance.

II. And be it further ordained that this Ordinance shall come into operation so soon as Her Majesty's assent thereto shall have been proclaimed, and shall continue in force during Her Majesty's life, and six months after that period.

No. 3.
Ord. No. 2,
1851.

No. 3.—ORDINANCE No. 2 of 1851.

An Ordinance to amend two several Ordinances No. 11 of 1849, and No. 7 of 1850, to provide for the Maintenance and efficient Regulation of a Lighthouse at Grand Turk. (Passed 11th April, 1851. Confirmed 23rd Dec., 1851.)

PREAMBLE.

WHEREAS in and by an Ordinance entitled "No. 11 of 1849, an Ordinance &c., &c., to provide for the Maintenance, and efficient Regulation of a Lighthouse at Grand Turk," and also by an Ordinance No. 7 of 1850 to amend the aforesaid Ordinance, it is amongst other things provided that the said-recited Ordinances shall be and continue in force for and during the term of Her Majesty's life, and for Six months after that period, and whereas such a provision is uncalled for and inexpedient, and the same should be repealed; May it therefore please your Majesty that it may be ordained and be it ordained by his honour Frederick Henry Alexander Forth, Esquire, President administering the Government of the Turks and Caicos Islands and the Legislative Council of the said islands, under the supervision of the Captain-General and Governor-in-Chief in and over the Island of Jamaica, and it is hereby ordained by the authority of the same, that so much of the two hereinbefore-recited Ordinances as limits their duration as aforesaid, shall be and the same is repealed accordingly.

Part of Ordinance No. 11, 1849, and of No. 7 of 1850, repealed.

PART IX.

CLASS I.

POST-OFFICE.

No. 1.—ORDINANCE No. 5 of 1854.

No. 1.
Ord. No. 5,
1854.

An Ordinance to establish a Post-office within the Turks and Caicos Islands. (Passed 14th July, 1854. Confirmed 11th Dec., 1854.)

WHEREAS it is expedient that provision should be made by law for the establishment of a Post-office in this presidency; May it, &c.,

PREAMBLE.

I. That a post-office shall be established at Grand Cay, to be called the Turks and Caicos Islands Post-office.

Post-office to be established.

II. That it shall be lawful for the President of these Islands to appoint a fit and proper person to be the postmaster; who shall hold his office during pleasure; and no person so appointed shall be capable of holding the said office unless such person shall have first made and subscribed to the declaration in the Schedule hereunto annexed before a Justice of the Peace.

President to appoint Postmaster.

Who shall subscribe to a declaration.

III. That there shall be allowed and paid out of the Public Treasury of these islands by warrant in the usual manner to the postmaster in monthly payments, an annual salary of Fifty pounds: Provided always that the payments of such salary shall be subject to the following conditions, that is to say; First, that the building used as a post-office shall be situated in such part of Grand Cay as shall from time to time be approved of by the President in Council; Secondly, that such postmaster shall personally or by sufficient deputy give his attendance at his office at such hours and times as may be appointed by the President; thirdly, that such postmaster shall once a week deliver or cause to be delivered every letter remaining in the post-office and addressed to any person having a place of residence at Grand Cay; and shall at least once in every month cause a list of unclaimed letters to be published in one of the newspapers of the colony: Provided always that nothing herein contained shall be construed to require the said postmaster to deliver any letter without first receiving the postage therefor.

Salary of £50 allowed.

Building used as a Post-office to be approved of by President in Council.

Postmaster to attend in person or by Deputy.

Letters to be delivered weekly.

Unclaimed letters to be published monthly.

Rate of Postage.

IV. That on all letters not exceeding half an ounce in weight brought into the colony on which no postage shall have been paid or is chargeable, there shall be paid to the said postmaster fourpence; and on all such letters, if exceeding half an ounce in weight, an additional postage at and after the same rate shall be paid. And all sums of money received by the said postmaster for postage shall be accounted for and paid by him to the Receiver-General in aid of the revenue of the colony; save and except the sum of One penny per letter, which shall be paid by the said postmaster to the

To be paid in aid of the general Revenue.

No. 1.
Ord. No. 5,
1854.

Letters exempt
from postage.

Declaration of
delivery of
letters.

To be produced
at the Receiver-
General's Office
before entry.

Persons in
possession of
letters after
the delivery
of letter-bag,
fined 10s.

Refusing to
deliver the
same, fined £1.

Penalties for
opening letter-
bag.

Penalty for
wilful delay of
letters.

Penalties, how
recovered.

master of every vessel for each letter delivered by him at the post-office.

V. That the owners, charterers, or consignees of vessels inward bound, and the owners or consignees of goods on board vessels inward bound, shall have their letters by such vessels free from postage; and the owner, charter, or consignee shall be described as such on the address; and in the case of owners, shippers, or consignees of goods, it shall also appear by the ship's manifest that they have goods on board the vessel; and the persons hereby exempted shall be entitled to have their letters which come within the above conditions, delivered on demand before the master of the vessel deposits the other letters in his charge at the post-office.

VI. That every master of a vessel inward bound shall cause all letters on board his vessel (except those belonging to the owners or consignees of the vessel, or of the goods on board) to be delivered at the post-office at Grand Cay, and shall sign a declaration in the presence of the said postmaster or his deputy who shall witness the same; and such declaration shall be to the effect following:—I, *A. B.*, master of the (*state the name of the ship or vessel*) arriving from (*state the place*) do solemnly declare that I have to the best of my knowledge and belief delivered or caused to be delivered at the post-office every letter which was on board the (*state the name of the ship*) except such letters as are exempt by law. And no Receiver-General or other revenue officer shall permit such vessel to come to an entry until such declaration shall have been produced to him, under a penalty not exceeding Ten pounds. And all letters brought by a vessel quarantined shall be delivered to the health officer, that all proper precautions may be taken by him before he cause such letters to be forwarded to the post-office.

VII. That every person being either the master of a vessel, inward bound, one of the officers, or one of the crew, or a passenger thereof who shall knowingly have any letter in his possession not exempted as hereinbefore is mentioned, after the master shall have lodged the letters in his charge at the post-office, shall forfeit for every letter a sum not exceeding Ten shillings; and such letter, whether it be in the baggage or on the person of the offender or otherwise in his custody, shall be held to be in his possession: and any such person who shall detain any such letter after demand made by the revenue officer shall forfeit for every such letter a sum not exceeding One pound.

VIII. That every master of a vessel or other person who shall open a sealed letter-bag shall forfeit a sum not exceeding Five pounds; and every master of a vessel who shall take out of a letter-bag with which he shall have been intrusted for conveyance, a letter or any other thing, shall forfeit a sum not exceeding Twenty pounds; and every master of a vessel who shall not duly deliver all letters liable to postage at the post-office on his arrival, without wilful or unavoidable delay, shall forfeit a sum not exceeding Five pounds; and every master of a vessel quarantined who shall refuse to deliver to the health officer all letters in his possession, shall forfeit a sum not exceeding Five pounds.

IX. That all offences against this Ordinance may be heard, and all pecuniary penalties imposed be recovered in any Court having competent jurisdiction.

X. That all pecuniary penalties incurred under this Ordinance which shall be recovered by or in the name of a person other than the Queen's Advocate of this Presidency shall be distributed in manner following; that is to say:—One moiety thereof to Her Majesty, her heirs, and successors, towards the support of the Government of these islands; and the other moiety thereof, with full costs of suit, to the person who shall inform and sue for the same: and all such pecuniary penalties as aforesaid which shall be recovered by or in the name of the Queen's Advocate shall be applied to the use of Her Majesty for and towards the support of the Government of these islands: Provided always that the President at his discretion may give all or any part of such penalties or shares of penalties belonging to Her Majesty, as rewards to any person who shall have detected such offences or given information which may have led to the discovery thereof, or to the conviction of the offenders.

No. 1.
Ord. No. 5,
1854.

Distribution of
Penalties.

XI. That all penalties incurred by any person for offences against this Ordinance shall be sued for within the space of one year next after the penalty shall be incurred.

Penalties to
be sued for
within one
year.

XII. That so soon as a Deputy-Postmaster or agent of the Postmaster-General shall be appointed in this colony, so much of this Ordinance as may be inconsistent with any of the statutes of the United Kingdom of Great Britain and Ireland, or to any regulation of the post-office authorities in England, shall cease to be of any force or effect.

SCHEDULE.

I, A. B., do solemnly declare that I will not knowingly or willingly open or delay, or cause or suffer to be opened or delayed, contrary to my duty, any letter or thing which may come into my hands or custody as postmaster, except by the consent of the person or persons to whom the same shall be directed; except in such cases where the party or parties to whom such letter or anything sent by the post shall be directed, and who is or are chargeable with the payment of the postage therefor shall refuse or neglect to pay the same, and except the party or parties to whom the same shall be directed cannot be found.

This declaration was made
before me this day of

No. 2.—ORDINANCE No. 19 of 1860.

An Ordinance to amend Ordinance No. 5, of 1854, and to provide for the more frequent communication between the Islands of this Government, and for other purposes. (Passed 29th May, 1860. Confirmed 14th June, 1861.)

No. 2.
Ord. No. 19,
1860.

WHEREAS the uncertainty and infrequency of the communication between the different islands of this Government present an obstacle to the prosperity and cordial co-operation between the inhabitants of the said islands, and it is therefore expedient that such impediments should be removed; May it, therefore, &c.,

PREAMBLE.

No. 2.
Ord. No 19,
1860.

£60 per annum
allowed for the
conveyance of
letters.

All Freight and
Passage-money
paid to the use
of owner of
such boat.

Rules to be
published.

Branch post-
office established
and Deputy
Postmasters
established.

Their duties
and allowances.

Clauses of Ordi-
nance No. 5
of 1854, de-
clared in force.

I. That it shall be lawful for the President, by and with the advice of the Council, from time to time to contract for a fit and proper boat or vessel to be employed in conveying passengers, freight, and letters, to and from the following ports of this Government: viz., Grand Turk, Salt Cay, and Cockburn Harbour, and according to such plan as may be fixed on by the President and Council aforesaid.

II. That all arrangements for the proper management of such boat or vessel in sailing to and from the said ports, and for the management of the several post-offices in this colony, shall be made from time to time by the President and Council, and that a sum of money not exceeding Sixty pounds shall be annually paid, by warrant, out of the Public Treasury in the usual manner, for the hire of a boat or vessel to carry out the provisions of this Ordinance.

III. That any party contracting for the hire of the said boat or vessel shall be legally entitled to all freight and passage-money accruing from any passengers and freight conveyed in such boat or vessel; provided that all officials of the colony when travelling on duty, and not otherwise, shall be entitled to travel to and fro in such boat or vessel free from all and every charge for passage-money.

IV. That the rules and regulations to be made, as aforesaid, shall be kept exhibited for public information at the several post-offices of the colony.

V. That a branch post-office be established at Salt Cay and one at Cockburn Harbour, and it shall be lawful for the President to appoint deputy postmasters thereat, who shall make and subscribe, before some Justice of the Peace, the declaration to this Ordinance annexed.

VI. That there shall be allowed and paid out of the Public Treasury of these islands, for salary and office-rent, by warrant in the usual manner, to the deputy postmaster at Salt Cay the sum of Ten pounds, and in like manner to the deputy postmaster at Cockburn Harbour the sum of Five pounds: Provided, in the first place, that the buildings or rooms used for post-offices at Salt Cay and Cockburn Harbour shall be situated in some convenient part of each town as shall from time to time be approved of by the President in Council; and, secondly, that the deputy postmasters, as aforesaid, shall personally, or by sufficient assistants, give their attendance at at their respective offices at such hours and times as may from time to time be appointed by the President in Council; and thirdly, that such officers shall, at least once in every week, cause a list of all unclaimed letters to be exhibited outside of the doors of their respective offices: Provided, however, that no letters shall be delivered out of such offices without first having the postage paid thereon.

VII. That the following provisions contained in Ordinance No. 5 of 1854: viz., sections 4, 5, 6, 7, 8, 9, 10, 11, and all others so far as the same can apply to Salt Cay and Cockburn Harbour, shall be held and taken to apply to the said places, and to the said deputy postmasters and their offices respectively, as fully and in the same manner as if such places and deputy postmasters and their offices were particularly mentioned and designated in the aforesaid Ordinance.

VIII. That upon all letters lodged at any of the aforesaid offices

for transmission to any place, there shall be charged and paid a rate of One penny halfpenny as inland postage, in addition to any other postage which may be chargeable on such letters, and all letters shall be pre-paid before forwarded: Provided, however, that all consignees' letters and all letters on Government service shall go free. And all sums of money coming into the hands of any postmaster as postage shall be accounted for and paid once in every Three months, to the Assistant Receiver-General at Salt Cay, or revenue officer at Cockburn Harbour, as the case may be.

IX. That if any person shall become possessed of any letter or newspaper addressed to another person, and shall wilfully and unlawfully break open the cover or envelope of such letter or paper, or shall withhold such letter or paper when claimed by the party to whom the same shall be addressed, every person so offending shall forfeit and pay for every such offence a sum not exceeding Five pounds, to be recovered and applied in like manner as other penalties are by this Ordinance.

No. 2.
Ord. No. 19,
1860.

Rate of Inland
Postage.

Penalty for
unlawfully
opening or
withholding
letters or
papers.

SCHEDULE.

I, A. B., do solemnly declare that I will not knowingly or wilfully open or delay any letter or thing which may come into my hand or custody as deputy-postmaster, except by the consent of the person or persons to whom the same shall be directed, except in such cases where the party or parties to whom such letter or anything sent by the post shall be directed, and who is or are chargeable with the payment of the postage therefor, shall refuse or neglect to pay the same, and except the party or parties to whom the same shall be directed cannot be found.

This declaration was made before me this day
of , 18 .

CLASS II.

PUBLIC BANK.

No. 1.—ORDINANCE No. 9 of 1860.

An Ordinance to establish and regulate a Public Bank for the Turks and Caicos Islands. (Passed 17th April, 1860. Confirmed 25th July, 1861.)

No. 1.
Ord. No. 9,
1860.

WHEREAS the establishment of a public bank would be highly beneficial to the inhabitants of these islands; May it, &c., That as soon as this Ordinance shall come into operation, it shall and may be lawful for the President of these islands to appoint a fit and proper place at Grand Turk for a public bank.

II. That the said bank shall be under the supervision and direction of five Directors, to be appointed annually by the President, with the advice of the Council; and in case of the death or refusal to act, or removal of any such Director, such vacancy shall be filled up by the President in manner aforesaid.

III. That it shall and may be lawful for the President in Council to appoint a fit and proper person to act as cashier of the said bank.

PREAMBLE.
The President
to appoint a
place at Grand
Turk for Public
Bank.

Bank to be
under super-
vision of five
Directors
appointed
annually.
President and
Council to
appoint a
Cashier.

No. 1.
Ord. No. 9,
1860.

Duty of
Cashier.

Hours of
attendance.

Cashier to give
bond.

Bond to be
renewed when
necessary.

Remuneration
to Cashier.

Cashier to make
return monthly
of the affairs of
the Bank.

The President
to appoint
committee to
examine same.

President and
Council to
make rules
to regulate the
Bank.

Director autho-
rized to receive
deposits at
interest.

IV. That it shall be the duty of such cashier, to keep written up the books and respective statements of the accounts, of all parties concerned with the said bank, who may have borrowed money therefrom, or deposited money therein; and to cause observance of strict punctuality of payment, of all sums of money, that may from time to time become due and owing to the said bank, and such cashier shall give daily attendance at the bank, Sundays and holidays excepted, from the hour of ten A.M. to three P.M., unless otherwise ordered by any rule to be made under this Ordinance.

V. That such cashier, before entering on the duties of his office, shall give a bond or bonds to Her Majesty, her heirs, and successors, with sufficient sureties, which bond or bonds shall be taken by the Colonial Secretary, and shall be conditioned for the due discharge of the trust reposed in such cashier, and for his and their liability for all sums of money deposited in such bank, such bond or bonds in the first instance to be in the sum of Five hundred pounds; and such bond or bonds shall be renewed as often as the President shall require, with sufficient sureties in such amount as such President shall think necessary for the due security of the money deposited in the said bank.

VI. That in the first instance such cashier shall receive for a remuneration a sum equal to the entire profits of such bank, to be paid to him by warrant in the usual manner, until such remuneration shall amount to Two hundred pounds per annum, and the salary aforesaid shall then remain fixed at the said sum of Two hundred pounds per annum: Provided that such profit shall continue to amount to the said sum of Two hundred pounds.

VII. That it shall be the duty of such cashier to make a return to the President and Directors once in every month of the affairs of such bank, which return shall be rendered within seven days after such term shall expire; and no warrant shall be passed for the payment of the salary of such cashier so long as the return aforesaid shall be in arrear.

VIII. That it shall be lawful for the President, from time to time, at least once in every six months, to appoint a committee to examine and report upon the state and affairs generally of the said bank; and such committee shall have power to examine the books, accounts, and vouchers of the said bank, and to ascertain that the balances of cash in the bank correspond with the books of the bank.

IX. That it shall and may be lawful for the President and Council, at the recommendation of the Directors, to make rules and regulations for the guidance of the cashier, and for regulating the business of the bank; and from time to time to alter and amend the same, which rules shall bind all parties transacting business with the said bank: Provided that such rules be not repugnant to the provisions of this or any other Ordinance of these islands, and a copy of such rules shall be hung up in the said bank for the information of the public.

X. That it shall and may be lawful for the directors of the said bank, in their discretion, to receive from individuals, or from any friendly society, or authorized company, deposits in the said bank; and to open an account with any such parties for such amount, and for such period as in their discretion they shall think fit, at the respective rates of interest hereinafter mentioned.

XI. That any person over the age of twelve years may be entitled to lodge money in the said bank, according to the provisions of this Ordinance; and such minor may draw the whole, or any part of the principal or interest of the money so deposited, as a person of full age might do; and his or her receipt for such money shall be a sufficient acquittance to such cashier.

XII. That receipts from the cashier for money deposited at interest in the said bank may be transferred from one person to another, by the indorsation of the holders thereof; and the cashier is hereby authorized to pay so much money, with the interest as may be due and payable thereon to the party in whose possession the said receipt may be at the time of presentation for payment.

XIII. That it shall be lawful for the cashier of the bank, in granting receipts for moneys there deposited for a fixed period, at interest, to grant the same transferable: Provided, however, that no transfer or assignment of money held in virtue of such receipt shall be valid and binding for the purposes of this Ordinance unless the same be duly notified to the cashier of the bank, and an acknowledgment of such transfer made by him in writing on the face of such receipt or assignment thereof.

XIV. Repealed by Ordinance No. 25 of 1860.

XV. That upon all sums lodged in the said bank upon interest, there shall be allowed and paid interest at the rate of four per cent. per annum, and such interest may be carried to the credit of the depositors.

XVI. That upon all sums loaned from the said bank, interest at the rate of six per cent. per annum shall be charged, payable in advance: Provided that the Directors shall not loan any sum of money from such bank, except on such security as they may think sufficient.

XVII. That the entire profits arising from such bank shall be paid quarterly to the Receiver-General and Treasurer of the colony, in aid of the general revenue of these islands.

XVIII. That it shall be the duty of the cashier to provide a fit and proper book, for recording the names of applicants for money, according to the form to this Ordinance annexed, marked A.

XIX. That it shall not be lawful for the said cashier to loan any money without the consent of three Directors, to be signified and attested by their signatures in the book before mentioned; and whenever it is proposed to loan such money for a period longer than six months, the consent of all the Directors shall be necessary.

XX. That it shall be lawful for the Directors of the said bank to loan money to the Treasurer of the colony for short periods, on obtaining his certificate therefor; and whenever from time to time there may be in the office of the Receiver-General and Treasurer of these islands any surplus revenue for which there may be no immediate employment, and it shall appear to the President in Council that such money might, with advantage to the public, be placed at interest in the said bank, it shall and may be lawful for the Receiver-General and Treasurer to lodge such sum or sums of money in the said bank as may be fixed on by the President and Council as aforesaid, upon interest, for such length of time as may by the said President in Council be thought advisable, and such money so lodged shall have the same rate of interest, and be subject

No. 1.
Ord. No. 9,
1860.

Persons over twelve years of age may deposit money.

Deposits how transferred.

Cashier to grant receipts transferable.

Interest on deposits to be calculated yearly at four per cent.

Sums may be loaned from the Bank at six per cent. per annum, payable in advance.

Profits of the Bank to be paid into the Treasury.

Book to be provided to enter the names of applicants for loans. No loan except by consent of three Directors: if for more than six months, consent of all necessary.

Directors may loan money to the Treasurer, and by consent of President and Council, public money may be lodged in the Bank, at interest.

No. 1.
Ord. No. 9,
1860.

Land, &c.,
offered as
security for a
loan, to be
valued.

Loan not to
exceed one-
third the value
of security
offered.

Title-deeds to
be deposited
with Cashier.

Securities
having money
in Bank, to be
debited with
default.

Cashier may
attach money
due from the
Treasury.

Recovery of
notes and
bonds.

to the same provisions as are by this Ordinance provided in cases of money lodged in the said bank by private individuals.

XXI. That in all cases where land, or salt pond, or any property is offered as a security for such loan, it shall be the duty of such cashier to have such land or property impartially valued by two or more persons, to be appointed by the said Directors for that purpose, who shall first be sworn to act impartially; and it shall be the duty of the cashier to enter the appraised value of such land, salt pond, or property in the book aforesaid, as in the said form marked A is particularly described.

XXII. That in no case shall it be lawful to advance upon such security as is last mentioned money to a greater extent than one-third of the appraised value of such property, land, or salt pond.

XXIII. That whenever the Directors of the said bank shall agree to accept land or salt pond, as security for money lent, it shall be the duty of the cashier of the said bank, before paying such loan out of the bank, to obtain possession of the original title-deeds for such land or salt pond, and to make a memorandum, specifying the date and period for which money is agreed to be lent, the amount of the loan, and the description and boundaries of the said land or salt pond, in such manner as may be sufficient to ascertain the same, and such memorandum shall be entered in a book according to the form in the Schedule hereto annexed marked B; and such memorandum duly made, as aforesaid, shall have in law the full force and effect of a mortgage duly recorded; which book shall be open to the public free of any charge: Provided, however, that it shall be the duty of the cashier to cancel the security in such book, and to return the title-deeds aforesaid whenever the sum of money for which such security was given, with interest and expenses attending such security, shall have been fully satisfied and paid.

XXIV. Repealed by Ordinance No. 25 of 1860.

XXV. That in all cases where bonds or notes of hand shall not be paid to the said bank when due, it shall be lawful for the cashier to debit the securities or indorsers of such bond or notes with the amount thereof, if such security or indorser should happen to have any money deposited in the said bank.

XXVI. That it shall and may be lawful for the cashier of the bank to attach money in the Public Treasury, due to any individual, who may be indebted to the said bank, to the extent of debt, and a receipt from such cashier to the Receiver-General shall be a sufficient discharge to him for the payment of the sum of money named therein.

XXVII. That it shall and may be lawful for the cashier of the said bank, by order of the Directors, to deposit with the Prothonotary of the Supreme Court any bond or note remaining due and unpaid at any time on or after the day following the day on which the same may have respectively become due to the said bank; and such bond or note so deposited shall have full force and effect in law to bind and affect the property of the drawer of such note, or the persons who have entered into such bond, as any judgment from the Supreme Court would have, and shall be entered up by such Prothonotary as such: Provided, however, that the due execution of such bond or note be ascertained by the oath of some credible witness, deposing to the same before such Prothonotary; and pro-

vided also that the Directors of the said bank may at their discretion renew any loan for such period not exceeding Six months upon such security as they may think fit.

XXVIII. That on entering up any such judgment, the said Prothonotary shall give the cashier a certificate thereof, and the Provost Marshal of these islands, on production of such certificate to him, shall file the same, and proceed to levy on the goods and chattels, lands, and tenements of the parties, who in the said certificate are stated to be indebted to the said bank; and upon such levy made, shall proceed in all respects as if he were executing a writ of fieri facias from the Supreme Court.

XXIX. That the said Prothonotary shall keep a separate record of judgment entered up by virtue of this Ordinance, and for his trouble shall be entitled to have and receive the following as costs:—

	s.	d.
On all sums of and under £20 - - - - -	12	6
On all sums over and above £20 - - - - -	16	8

Which shall be indorsed on his certificate aforesaid as costs in the case, and shall be made and levied by the Provost Marshal as aforesaid.

XXX. Definition of the word President.

No. 2.—ORDINANCE No. 25 of 1860.

An Ordinance to amend Ordinance No. 9 of 1860, to Establish and Regulate a Public Bank for the Turks and Caicos Islands.
(Passed 14th Dec., 1860. Confirmed 25th July, 1861.)

WHEREAS it is expedient that the 14th section of Ordinance No. 9 of 1860, to establish and regulate a public bank for these islands, which authorizes the payment of moneys out of the said bank by the cashier thereof, should be amended; May it, &c., That it shall not be lawful for the cashier of the said bank to pay out of the said bank the whole or any part of any money deposited therein in the name of any person or persons whomsoever other than to the person or persons, himself, herself, or themselves, or to some one duly authorized by him, her, or them, by draft, indorsement of receipt, or letter of attorney; or in case of the death of any such person or persons, then only to his, her, or their executors or administrators, unless the amount deposited in the name of such deceased person shall not exceed the sum of Fifty pounds, in which case, if no will is proved, or letters of administration are taken out, the amount so standing in the name of such deceased person shall be paid to his next of kin; and it shall not be lawful for the said cashier to pay money by virtue of a power of attorney unless in and by such power of attorney such party is specially authorized to draw such money out of the bank by a specific form of words; and in case of money deposited by any person or persons in the name of, and for the benefit of minors, it shall not be lawful to pay the same to any but to the person or persons lawfully appointed as guardians of such minors.

II. Repeals 14th section of Ordinance No. 9 of 1860.

2 M 2

No. 1.
Ord. No. 9,
1860.

How levy to
be made.

Fee on Judg-
ment entered up
under this
Ordinance.

No. 2.
Ord. No. 25,
1860.

To whom
is to pay money
deposited.

No. 2.
Ord. No. 25,
1860.

III. Repeals so much of section 21 of Ordinance No. 9 of 1860 as relates to merchandise being accepted as security for a loan.

IV. And whereas the 24th section of the aforesaid Ordinance which authorizes loans to persons having deposits in the said bank is likely to be inoperative, and it is expedient to repeal the same; Be it further ordained, that the 24 section of Ordinance No. 9 of 1860 be repealed, and the same is hereby repealed accordingly.

CLASS III.

CURRENCY.

No. 1.
Act 2 Vic.
c. 4.

No. 1.—2 Vic. ch. 4. *An Act to declare British Sterling Money to be the Money of Account throughout the Bahama Islands.*
(Assented to the 29th of Nov., 1838.)

PREAMBLE.

British sterling
money made
the current
money of the
colony.

WHEREAS inconveniences have arisen, and are still likely to arise, from the difference between the current value of the several foreign coins in circulation in the colony and the sterling value at which such coins are respectively received and paid at the several custom houses and army departments of the colony, for remedy whereof it has become expedient to alter the currency of the colony, and to establish in lieu thereof British sterling money as the money of account; May it, &c., That from and after the commencement of this Act British sterling money shall be the money of account throughout the Bahama Islands; and that all receipts and payments, and all gifts, grants, contracts, bargains, sales, agreements, and stipulations, and all written bonds, bills, notes, drafts, acceptances, acknowledgments, undertakings, or securities for money, and all transactions, dealings, matters, and things whatsoever relating to money, or involving or implying the payment of money, or the liability to pay any money which shall be had, made, done, executed, or entered into within these islands, shall be had, made, done, executed, and entered into in sterling money, such sterling money becoming the currency and lawful money of the said Bahama Islands, and not according to any currency or as money hath been heretofore valued in the said islands, or in any other manner than in such sterling money; and that all such receipts, payments, gifts, grants, contracts, bargains, sales, agreements, stipulations, bonds, bills, notes, drafts, acceptances, acknowledgments, undertakings, securities, transactions, dealings, matters, and things shall be deemed, construed, and taken to be had, made, executed, done, and entered into according to such sterling money, and in reference to the sterling value of the various coins in circulation within these islands at the time of the making, executing, doing, or entering into any such receipts, payments, gifts, grants, contracts, bargains, sales, agreements, stipulations, bonds, bills, notes, drafts, acceptances, acknowledgments, securities, transactions, dealings, matters and things aforesaid, unless the contrary be proved to have been the intention of the parties, any law, usage, or custom in force within these islands at any time before the passing of this Act to the contrary notwithstanding: Provided always, nevertheless, that all debts, agree-

ments, contracts, bargains, sales, and money engagements, and securities, of whatever nature the same may be, contracted prior to the commencement of this Act, in what then was and had been the currency of these islands, shall be convertible into the sterling denomination by virtue of this Act, at and after the rate of four shillings and twopence sterling for every eight shillings of the said currency, of which any such debt or other money engagement as aforesaid may consist, agreeably to the Schedule hereunto annexed, and shall be paid and liquidated accordingly.

II. That this Act shall commence and take effect from and after the twenty-fourth day of December next.

No. 1.
Act 2 Vic.
c. 4.

Date from
which this Act
is to take
effect.

SCHEDULE.

Bahama Currency.	Sterling.	Silver Dollars.	Schedule.
£10 at 4s. 2d.	£20 at 16s. 8d.	100	

No. 2.—8 Vic. ch. 49. *An Act further to Reduce the Value within these Islands of a certain Foreign Coin called a Peseta.* (14th May, 1845.)

No. 2.
Act 8 Vic.
c. 49.

WHEREAS an Act was passed in the ninth year of the reign of His late Majesty King George the Fourth, to ascertain and regulate the value, within these islands, of a certain foreign coin, called a peseta, which, having obtained currency in these islands at a rate exceeding its intrinsic value, had gradually displaced the other current coin of the colony, to the great detriment of trade and the injury of the people of these islands; And whereas, in consequence of the recent reduction in the current value of the said peseta in the neighbouring island of Cuba, and the lesser rate at which the said peseta obtains currency in the United States of America, the said coin is being again introduced in considerable quantities into these islands, and there is reason to fear that unless the current value of the said peseta, limited by the Act above mentioned at one-fifth part of a dollar, equivalent to tenpence sterling money of Great Britain, be further reduced, evil consequences similar to those which rendered necessary the passing of the said Act will, in a short period, be again experienced; We, &c., That from and after the passing of this Act, that the said peseta shall be taken, received, and paid at, in, and out of the Public Treasury, and all other public departments of the colony, at the rate or value of ninepence sterling money of Great Britain, now the lawful currency and money of account of these islands, and shall be a legal tender at that rate only, and no other within the Bahama Islands, anything in the before-mentioned Act, or any other Act of Assembly of these islands to the contrary notwithstanding: Provided, however, that nothing herein contained shall be understood or construed to interfere with your Majesty's royal prerogative of regulating and settling the rate and value of the aforesaid, and any the coins in these islands, in such manner, and according to such other rate, as your Majesty, by your royal proclamation for that purpose, or by your royal instructions to your President-

PREAMBLE.

Reduction of
Peseta coin
from 10d. to
9d. each.

This Act not
to interfere
with the Royal
prerogative.

No. 2.
Act 8 Vic.
c. 49.

£5 in Pesetas
only to be a
legal tender.
At the expira-
tion of one year,
the Peseta to
cease to be a
legal tender.

in-chief in and over the said islands for the time being, shall from time to time judge proper and necessary.

II. That from and after the period aforesaid, the said peseta shall not be a legal tender within these islands in any sum exceeding Five pounds.

III. That from and after the period of one year from the passing of this Act, the coin called and known by the name of the peseta shall cease to be a legal tender within the Bahama islands.

CLASS IV.

PUBLIC LOANS.

No. 1.
Ord. No. 1,
1851.

No. 1.—ORDINANCE No. 1 of 1851.

An Ordinance to repeal Ordinance No. 8 of 1850 ; and further to authorize the Receiver-General and Treasurer for the Turks and Caicos Islands to issue Debentures for a sum of money to be raised on Loans not exceeding the sum of Four Thousand Pounds (£4,000), in the manner and for the purposes set forth in this Ordinance. (Passed 11th April, 1851. Confirmed 23rd Dec., 1851.)

PREAMBLE.

WHEREAS by an Ordinance of the Legislative Council of these islands, made and passed in the fourteenth year of Her Majesty's reign, and numbered No. 8, 1850, it is recited and set forth—That whereas by an Act of the Bahama Legislature, passed in the eleventh year of Her Majesty's reign, and commonly known as the "Separation Act," it is amongst other things enacted that the sum of Eight Thousand Pounds (£8,000) be allotted to the Turks and Caicos Islands, as the proportion of the then existing debt of the colony, to be borne and paid by the inhabitants of the said Turks and Caicos Islands ; which sum of £8,000, with interest thereon, at the rate of five per cent. per annum, shall be charged upon and made payable out of the General Revenue of the said Turks and Caicos Islands, and shall have preference of all other payments which may be charged upon and made payable out of the same,—and whereas the sum of Four thousand pounds (£4,000) still remains unpaid, and it is considered expedient that the same should be paid and liquidated as speedily as possible, and that for that purpose a sufficient sum of money should be raised in manner hereinafter mentioned ; And whereas some of the provisions of the said before-recited Ordinance are defective, and it is expedient therefore that the said Ordinance should be repealed, and further and other provision should be made for raising a sum of money by the issuing of debentures as in the said Ordinance is set forth ; May it, &c., That whensoever this Ordinance shall come into operation, the before-mentioned Ordinance No. 8, 1850, shall be repealed and cease to be of any force or effect.

Ordinance
No. 8 of 1850
repealed.

£4,000 to be
raised on
Debentures.

II. And be it further ordained, that so soon as this Ordinance shall come into operation, it shall be lawful for the Receiver-General of these islands to issue debentures to any amount not

exceeding in all the aggregate amount of Four thousand pounds, (£4,000) in form hereinafter provided, and all such debentures shall bear interest at and after the rate of five per cent. per annum; which interest shall be payable quarterly—out of the Public Treasury of these islands, that is to say, between the 1st and 10th April, the 1st and 10th July, the 1st and 10th October, the 1st and 10th January of each year—and the payment of all such amounts of interest shall have preference over all other payments which have been or may hereafter be charged upon or made payable out of the Public Treasury aforesaid.

III. And be it further ordained, that all debentures issued under and by virtue of this Ordinance shall be according to the form hereunto annexed, marked A, and shall be signed by the Receiver-General, as aforesaid, countersigned by the Colonial Secretary, and shall be approved of by the President or person administering the Government for the time being.

IV. And be it further ordained, that a memorandum in the form hereunto annexed, marked B., shall be kept in the Receiver-General's office for each debenture issued as aforesaid, and from which each debenture on being issued shall be severed.

V. And be it further ordained, that no debenture or debentures issued under and by virtue of this Ordinance shall be disposed of to any person or persons for any less amount than the sum actually secured to be paid by such debenture.

VI. And be it further ordained, that so soon as this Ordinance shall have come into operation, and a sum of money shall have been raised by virtue thereof, sufficient to liquidate in all or in part the then unliquidated portion of the debt to the Bahamas, that then it shall be the duty of the President to issue his warrant in the usual manner for the payment of such amount as aforesaid into the Treasury of the Bahama Government, in such manner and under such restrictions as Her Majesty's Government shall be pleased to direct and appoint.

VII. And be it further ordained, that whenever at any of the quarterly periods hereinbefore specified any moneys shall remain in the Public Treasury of these islands not otherwise appropriated, it shall and may be lawful for the President or officer administering the Government to direct that the same be applied to the formation of a sinking fund, to be applied to the liquidation of the several amounts secured by the said debentures, in such manner as may be determined upon by the President, by and with the advice and consent of the council of the same, and with the sanction of Her Majesty's Government.

VIII. And be it further ordained, that upon the liquidation of any such amounts, and the redemption of any such debentures, no higher or greater amount shall be due or payable to the holder of such debentures than the sum actually secured thereby, with the interest which may then be due thereon, and that a tender of the amount so secured with interest as aforesaid shall be a legal tender notwithstanding any higher or greater amount at which such debentures have been or may be negotiable.

IX. And be it further ordained, that all such debentures when called in by the Receiver-General to be paid off wholly or in part, shall have the word "cancelled" written across each such debenture so called in, with the day, month, and year on which such

No. 1.
Ord. No. 1,
1851.

Bearing interest at five per cent. per annum.

In preference to all other charges on the Revenue.

Form of Debenture "A."

Memorandum of Debenture to be filed "B."

Debentures not to be disposed of below par.

Appropriation of the sums raised on Debentures.

Unappropriated Revenue to form a "Fund" for the liquidation of the said Debentures.

Debentures not to be redeemed above par.

Debentures how dealt with when redeemed.

- No. 1. debenture was paid off "wholly" or "in part," the word
 Ord. No. 1, "cancelled" being also written in the same manner across the
 1851. memorandum from which such debenture shall have been disjoined,
 and under such words "cancelled," the signature of the Receiver-
 General and Colonial Secretary as aforesaid shall be affixed; and
 such debenture so cancelled shall be kept by the said Receiver-
 General among the records in his office, and for each such debenture
 paid off "in part" a new debenture shall be issued in the form
 provided for in this Ordinance, for such sum as may remain unpaid
 on each such debenture "cancelled" as aforesaid.
- Priority of date to be observed in paying Debentures. X. And be it further ordained, that it shall be the duty of the Receiver-General, when directed to cancel any debentures, to pay off such debentures according to priority of date, unless payment be previously required by any holder or holders of such debentures.
- Explanation of certain words. XI. And be it further ordained, that by the term President shall be understood the President or officer administering the Government for the time being; that by the term "Colonial Secretary" shall be understood the Colonial Secretary or other officer acting as such; that by the term "Receiver-General" shall be understood the Receiver-General or other officer acting as such.
- Operation. XII. And be it further ordained, that this Ordinance shall come into operation so soon as Her Majesty's confirmation thereto shall have been proclaimed within these islands.

Form B.

RECEIVER-GENERAL'S OFFICE, }
GRAND TURK, 18

Colonial Debenture,

No. for £
in favour of

Receiver-General.

Countersigned,

Colonial Secretary.

Approved,

President.

Form A.

RECEIVER-GENERAL'S OFFICE, GRAND TURK,
TURKS AND CAICOS ISLANDS.

Colonial Debenture, No. £

By virtue and in terms of an Ordinance of the Legislative Council of the Turks and Caicos Islands, entitled "An Ordinance for regulating the Form of Treasury Debentures, and for other purposes," I do hereby promise to pay to or order, the sum of with interest, at and after the rate of five per cent. per annum.

Receiver-General.

Countersigned in accordance with the provision of the Ordinance of the Legislative Council, }
No. 1, 1851.

Colonial Secretary.

Approved.

President.

No. 1.
Ord. No. 1,
1851.

CLASS V.

RATE OF INTEREST.

No. 1.
Act 41 G. 3,
c. 3.

No. 1.—41 Geo. 3, ch. 3. *An Act to reduce the Rate of Interest, without prejudice to any former Securities or Contracts, made previous to the first day of January, One thousand eight hundred and two, and for ascertaining the Damages on Bills of Exchange. (A.D. 1800.)*

Interest reduced
to six per cent.

WHEREAS it is thought expedient, as well on account of the increase of population in these islands as for the advancement of trade and improvement of lands, that the rate of interest should be reduced from eight to six per centum; May it, &c., That no person or persons whatsoever, from and after the first day of January, which will be in the year of our Lord One thousand eight hundred and two, upon any mortgage, bill, promissory note, or other contract, specialty, or security which shall be made from and after the first day of January, which will be in the year of our Lord One thousand eight hundred and two, take, directly or indirectly, for loan of any moneys, wares, merchandise, or other commodities above the value of Six pounds for one year for every Hundred pounds, and so after that rate for a greater or lesser sum, or for a longer or shorter time: Provided always, that nothing herein contained shall extend, or be construed to extend, to prevent any person or persons having debts due and owing to them, by specialty or otherwise, which shall have been contracted previous to the first day of January, which will be in the year of our Lord One thousand eight hundred and two, from receiving interest thereon at and after the rate of eight per centum per annum, until paid.

Proviso.

Damages on
protested bills
drawn on
Europe.

II. That for all bills of exchange drawn or negotiated within these islands upon any part of Europe, which shall be returned under protest for want of acceptance, payment, or any other cause, there shall be paid upon all such bills so protested and returned as aforesaid, a re-exchange, as damages for the same, at the rate of Twenty pounds per centum; and in case of non-payment of such protested bills and damages within three days after demand being made by the possessor of such bill from the drawer or indorser, then the said bill, together with the damages thereon, shall bear the legal interest as ascertained by this Act.

Damages on
protested bills
drawn on North
America, or the
West India
Islands.

III. That all bills of exchange drawn or negotiated within these islands upon any part of North America, or any of the West India Islands, which shall be returned under protest for any of the causes before mentioned, there shall be paid upon all such bills, as aforesaid, a re-exchange, as damages for the same, at the rate of Fifteen pounds per centum; and in case of non-payment of such protested bill, within three days after demand being made by the possessor of such bill, from the drawer or indorser, then the said bill, together with the damages thereon, shall bear the legal interest, as ascertained by this Act.

Penalty for
charging more
than six per
cent.

IV. And to prevent exactions or oppressions from any person that may presume to offend against this Act, and that all due obedience may be paid to the same; Be it, &c., that if any other

interest upon any specialty, as aforesaid, be charged or received by any person whatsoever other than that hereinbefore limited, whether it be charged or received as interest, premium, or under any other name, so that it amounts to more than Six pounds per centum per annum upon the principal, such person so offending shall pay to the party aggrieved the full sum of One hundred pounds current money of these islands, and shall forfeit his specialty, of what kind soever it may be, on which the extortion was made, with the interest due thereon, which sum of One hundred pounds may be sued for and recovered by the party aggrieved in any Court of Record in these islands, by writ, plaint, or information: and provided such specialty shall have been paid off, then and in that case the amount of such specialty, with the interest paid thereon, shall be recovered in any Court in these islands in manner aforesaid.

No. 1.
Act 41 G. 3,
c. 3.

£100 old currency.

V. And likewise, to prevent exactions or offences against this Act in regard to protested bills of exchange, any person or persons receiving or charging any higher damages or interest thereon than he, she, or they shall be entitled to by virtue of this Act, shall incur and be liable to the same penalties of One hundred pounds, together with the amount of such protested bill, with all interest, re-exchange, or damages thereon as aforesaid, to be sued for and recovered in manner as extortion in cases of interest, as in this Act is particularly before enacted.

Penalty for overcharging on protested bills.

£100 old currency.

CLASS VI.

REPRINT OF LAWS.

No. 1.—ORDINANCE No. 5 of 1860.

An Ordinance to Authorize the Compilation and Reprint of the Laws of these Islands, and for other purposes. (Passed 11th April, 1860. Confirmed 5th Sept., 1860.)

No. 1.
Ord. No. 5,
1860.

WHEREAS it would tend to facilitate the due administration of justice within these islands if the several laws now in force therein were collected and reprinted with a proper index; May it, &c.,

PREAMBLE.

I. That it shall be lawful for the President to cause the several laws in force in these islands, together with the Ordinances of 1860, to be collected and reprinted with an index, under the superintendence of some properly-qualified person, and according to such plan as shall be approved of by the said President.

Reprint of laws authorized.

II. And whereas many of the said laws were originally enacted for the government of the Bahama Islands, and only extended to these islands by the Bahama Act, 11 Victoria, chapter 1, known as the Separation Act, and contain words and phrases wholly inapplicable to this colony; Be it therefore further ordained, that whenever the wording of any such Act shall be manifestly inapplicable to these islands, such words shall be substituted as would have been used if the said laws had been originally enacted by the Legislative Council of these islands; for instance, "President"

Inappropriate terms in Bahama Acts to be altered.

No. 1.
Ord. No. 5,
1860.

Definition
of word
President.

Power of
acting officers.

Laws to be
deposited with
Colonial
Secretary.

Persons en-
titled to copies.

Laws to be
public property.

In case of
death of any one
having a copy,
same to be re-
turned to Colo-
nial Secretary.
Value in case of
loss.

for "Governor," "Legislative Council" for "General Assembly," "Turks and Caicos Islands" for "Bahama Islands," "Grand Turk" for "Nassau," and the like.

III. That throughout the said laws the word "President" shall be understood to mean the officer administering the Government of the colony for the time being, and the words "or officer administering the Government of the colony for the time being," or words to that effect, or clauses declaratory of such meaning, shall be omitted whenever they occur in the said laws; and in any Ordinance which may hereafter be passed by the Legislative Council of these islands the word "President" shall be understood to have the signification before mentioned, and wherever provision is made in any such Ordinance for any officer to act for another, it shall be understood that such acting officer shall have all the powers and authorities of the person for whom he is acting, unless the contrary be expressed in such Ordinance.

IV. That the said laws, when reprinted, shall be bound up in one or more volumes, and shall be deposited with the Colonial Secretary for distribution, who shall keep a book in which he shall enter the names of all persons to whom any copy of the said laws may be delivered, and also the time when such copy shall be returned into his office, in accordance with the provisions of this Ordinance.

V. That the following persons shall be entitled to have one or more copies of the said laws, to wit:—Her Majesty's Secretary of State for the Colonies, fifty copies; the Governor-in-Chief, two copies; the President of the Colony, one copy; the Legislative Council, four copies, the same to be in charge of the Clerk of the Council; the Judge of the Supreme Court, one copy; the Supreme Court, to be in charge of the Prothonotary, one copy; the Queen's Advocate, one copy; the Colonial Secretary's Office, one copy; the Receiver-General's Office, for distribution to the out-ports, four copies; the Police Magistrate, one copy; the Crown Commissioner, one copy; for the Public Library, one copy; each Justice of the Peace, on taking the oath of office, one copy; and such other public officers as the President may think proper: Provided that in case any person shall hold more offices than one, he shall nevertheless be entitled to receive only one copy of the laws, unless otherwise ordered by the President.

VI. That the laws thus distributed shall be and continue public property, and shall only be retained by the parties to whom they shall have been originally distributed so long as such parties respectively hold the offices in right of which they became entitled to copies of such laws.

VII. That in the case of the death of any person to whom a copy of such laws shall have been delivered, the executor or administrator of the person so dying shall, without delay, return the copy of the laws which had been delivered to such deceased person into the office of the Colonial Secretary.

VIII. That in case any copy of the said laws so delivered to any person shall be lost or destroyed, the party to whom the same was delivered, or who had charge thereof, shall be responsible for the value of such copy, which, for the purposes of this Ordinance, shall be fixed at Five pounds, unless he can clearly show, to the satisfaction of the Colonial Secretary, that such copy had been lost or destroyed otherwise than through any negligence or wilful mis-

conduct on his part; and (if necessary) such amount may be sued for by the Colonial Secretary, and recovered in the Court for the recovery of small debts, and shall, when recovered, be paid into the Public Treasury.

IX. That it shall be lawful for the Colonial Secretary to recover all copies of such laws as may get into the possession of any person or persons not entitled to retain the same, by action of detainue, or other fit action, in any Court of competent jurisdiction.

X. That it shall be lawful for the President, by warrant under his hand in the usual manner, to direct the issue out of the Public Treasury of these islands of such sum and sums of money as from time to time may be requisite for defraying the expense of copying, printing, and binding the said laws and index.

No. 1.
Ord. No. 5,
1860.

Colonial Secretary may sue for any copy in the hands of party not entitled.

Expense of printing, how defrayed.

CLASS VII.

DIVISION I.—PENSIONS TO PUBLIC OFFICERS' WIDOWS AND ORPHANS.

No. 1.—7 Vic. ch. 23. *An Act to authorize certain deductions from the Salaries of Public Officers, and to provide for the Payment of Pensions to their Widows and Orphans.* (7th Feb., 1844.)

No. 1.
Act 7 Vic.
c. 23.

WHEREAS there are no institutions within this colony for effecting life-assurance; And whereas an Act has been for many years in force in this colony for granting pensions to the widows and orphans of clergymen dying within the same, which has proved highly beneficial to such widows and orphans without having been of any extra expense to the colony; and it is consequently expedient to extend the principle of the said Act to all persons holding civil appointment under Her Majesty within this colony; May it, &c., That from and after the Twenty-fifth day of June next after the passing of this Act, the Receiver-General and Treasurer shall deduct from each and every of the annual stipends or salaries of the several public officers of this colony, a sum of money at and after the rate of Five pounds out of every Hundred pounds: and whenever such public officer residing in these islands, and officiating as such therein, or during leave of absence, shall die, leaving a widow and child, or children, or either, it shall and may be lawful for the President for the time being, by and with the advice and consent of Her Majesty's Council for these islands, to annually pay such widow and child, or children, a pension or annuity, viz., To the widow at and after the rate of Twelve pounds for every Hundred pounds of salary or allowance attaching to the office of her deceased husband, and so in a lesser or greater proportion of any such salary or allowance; and to each child under Ten years of age, Four pounds in like proportion; and to each child over Ten years of age, Six pounds in like proportion, to be paid to such widow or other guardian of such child, by warrant on the Treasury in the usual form: Provided, however, if such widow shall marry, she shall no longer be entitled to her annuity aforesaid; neither

PREAMBLE.

After the 25th June, 1844, Receiver-General to deduct from the annual stipend or salaries of the several Public Officers enumerated in the Schedule, Rates of Pensions to Widows and Children of Public Officers. Pensions of Widows and Female Children to cease on marriage: Male Children to cease after 18th year.

No. 1.
Act 7 Vic.
c. 23.

shall any male child be entitled to such annuity after he shall have completed the eighteenth year of his age, nor any female after marriage.*

No. 2.
Act 8 Vic.
c. 42.

No. 2.—8 Vic. ch. 42. *An Act to amend an Act entitled "An Act to authorize certain Deductions from the Salaries of Public Officers, and to Provide for the payment of Pensions to their Widows and Orphans. (14th May, 1845.)*

PREAMBLE.

Upon 24th June, 1845, Receiver-General to deduct a specified per centage from officers' salaries (except the Clergy); and the Widows and Orphan Children of officers from whose salaries such deductions shall be made may be consequently entitled to the Pensions specified. Officers in receipt of stipend from mother-country may contribute to, and will be thereupon entitled to the consequent benefits of this Act.

WHEREAS by an Act passed in the seventh year of Her Majesty's reign, entitled, "An Act to authorize certain Deductions from the Salaries of Public Officers, and to provide for the Payment of Pensions to their Widows and Orphans," it is enacted, that the Receiver-General and Treasurer shall deduct from the salaries of certain public officers named in the Schedule to the said Act annexed, who might notify, within a definite period, their desire to avail themselves of the provisions of the said Act, a sum of money at the rate of Five pounds per centum per annum, and that whenever any such officer shall die, leaving a widow and child, or children, or either, the President for the time being, by and with the advice and consent of Her Majesty's Council for these islands, should pay annually to such widow and child or children, under certain restrictions and limitations in the said Act set forth, pensions or annuities, at and after the rates therein specified; And whereas it is desirable that the deductions from salaries should be made more general, and the provisions of the said Act also made more generally available to the salaried officers of the colony and their families; May it, &c., That upon and from the Twenty-fourth day of June of the present year One thousand eight hundred and forty-five, the Receiver-General and Treasurer shall make the deduction aforesaid, of Five per centum per annum, from every salary payable under and by virtue of any Act of the Legislature of these islands, of One hundred pounds per annum and upwards, *except the salaries of clergymen, subject to a similar deduction, under the provisions of the Act of Assembly, 4 Wm. 4, ch. 36,* and a deduction of three per centum from every such salary, as aforesaid, of Fifty pounds, and under One hundred pounds per annum; and in virtue of such deduction, the widow and child, or children, or either, of every such officer shall be entitled to participate in all the benefits accruing from the said Act, anything therein contained to the contrary notwithstanding.†

II. And whereas many of the public officers of the colony are in the receipt of stipends from the mother-country, which will not be subject to deductions under the preceding section, or under the Act to which this is an amendment, and it is desirable that such officers should be permitted to contribute, in the ratio aforesaid, in respect of the said stipends; Be it enacted, that it shall be lawful for every public officer, whose salary is paid, either whole or in part from the mother-country, to pay quarterly to the Receiver-General and

* The remainder of this Act is virtually repealed by the 8 Vic. c. 42, *post* No. 2. of this Class.

† The part in italics is repealed by Ord. No. 7, 1855, Sect. 23.

No. 2.
Act 8 Vic.
c. 42.

Treasurer, commencing on the said Twenty-fourth day of June, or any quarter-day thereafter, a sum of money at the rate of five per centum per annum on the amount of such salary; and upon the death of any such officer, under the circumstances in the first section of the said Act set forth, his widow and child, or children, or either, shall be entitled to pensions at and after the rates mentioned in the said Act, for the full amount of the salary in respect of which such officer had made such quarterly payments as aforesaid: Provided that such payments shall not, at the period of the death of such officer, be in arrear more than one quarter, in which case, unless the legal representative of the estate of such deceased officer shall offer to pay and shall pay, within such time as may be limited for that purpose by the President in Council, the full amount of such arrears, together with the interest due thereon, the right of such widow and child or children shall be barred, and the pensions in respect of such salary, as aforesaid, be forfeited.

III. That every officer from whose salary the deductions aforesaid shall have been made by the Receiver-General and Treasurer, or who shall have made quarterly the payments to the said Receiver-General, in respect to his salary from the mother-country, shall, whether he continues to hold his office or not (or whether he remains in the colony or quits it), have the option of continuing to make quarterly payments equal in amount to such deductions, and such other payments, as aforesaid, or either, or be entitled to have a moiety of the said deductions and payments returned to him; and if any such person shall elect to continue the said quarterly payments, and shall make the same punctually at the stated period at which the same shall be due, his widow and children shall be entitled, upon his death, to the same and the like pensions as if he had died under the circumstances set forth in the said first section of the Act to which this Act is an amendment, anything in the said Act or in this Act to the contrary notwithstanding: Provided always, that the payments of such deceased person shall not be in arrear at the time of his death more than one quarter, if he shall have continued to reside within the colony, or more than six months if he shall have resided abroad, in either of which cases, unless such arrears be paid, as in the next preceding section is permitted, the right of such widow and children to the pensions aforesaid shall be forfeited.

IV. That no pension shall be payable under the Act hereinbefore recited, or under this Act, until the subscriptions or deductions in respect of which the same may be claimed shall have been made continuously for and during a period of two years, nor shall the widow of any officer be entitled to such pension unless she had been married to such officer twelve months prior to his decease.

V. That an account shall be opened in the books of the Receiver-General and Treasurer, headed, "Public Officers' Widows' and Orphans' Fund," which shall be kept in the usual debtor and creditor form, and shall be charged with all sums of money which may have been or shall be paid out of the Treasury on account of the same, and shall be credited with all sums of money which have been or shall be deducted from the salaries of any public officers, under the provisions of the Act to which this Act is an amendment, or of this Act, or which shall be received on account thereof, and once in every year, to wit, on the Twenty-fourth day of June, the said

Privileges to officer continuing to hold situations or not, or remaining or quitting.

Pension, when payable. Widows not entitled to pension unless married twelve months prior to her husband's decease. Receiver-General to open an account in his office, to be headed "Public Officers' Widows' and Orphans' Fund."

No. 2.
Act 8 Vic.
c. 42.

account shall be made up with interest at the rate accruing on the public debt of the colony for the time being, and the balance carried to the account for the succeeding year; and it shall be the duty of the Receiver-General and Treasurer, and he is hereby required to transmit to the Public Secretary, on or before the Thirty-first day of July in every year, a statement, in triplicate, of the said account for the year ending the Twenty-fourth day of June next preceding, authenticated by his signature, and a copy of the said account shall, by the said Public Secretary, be laid before the President in Council and the respective branches of the legislature, at the first meeting of those bodies respectively.

This Act not to operate to the prejudice of claims under the Act hereby amended.

VI. That nothing in this Act contained shall operate to the prejudice of any claim that has accrued, or may accrue, in virtue of any deduction already made under the Act to which this Act is an amendment.

No. 3.
Ord. No. 7,
1855.

No. 3.—ORDINANCE No. 7 of 1855.

An Ordinance to consolidate and amend the several Laws at present in force, regulating the Division of Parishes within these Islands, &c.

Pension for
Widows, &c.,
of Clergy.

By section 18 of this Ordinance it is ordained,—that all salaries payable under this Ordinance shall be liable to the deductions for the widows' and orphans' fund as regulated by the Act of the General Assembly of the Bahama Islands, 8th Victoria, chapter 42, extended to these islands, and the widows and orphans of the persons so contributing shall be entitled to the same benefits as other public officers contributing thereto.

No. 4.
Ord. No. 4,
1857.

No. 4.—ORDINANCE No. 4 of 1857.

An Ordinance to restrict contributions to the Widows' and Orphans' Fund of these Islands to the present Public Officers of the Colony. (Passed 4th June, 1857. Confirmed 6th Nov., 1857.)

PREAMBLE.

WHEREAS by virtue of the Acts of the Bahama Legislature, 7th Vic. ch. 23; and 8th Vic. ch. 42, for providing pensions for the widows and orphans of public officers in force within this colony, certain deductions from the salaries of public officers are authorized to provide for the payment of pensions to their widows and orphans; and whereas pensions may become payable by virtue of the hereinbefore-recited Acts, which from the limited resources of the colony may hereafter prove burdensome to the community, and it is therefore expedient that provision should be made to obviate prospectively the probable results of the Acts referred to as aforesaid; May it, &c.,

Deduction from
salaries of
Public Officers
for Pension
Fund to cease
prospectively.

I. That from and after Her Majesty's assent to this Ordinance shall have been proclaimed within these islands, all future appointments to any offices within this colony shall be exempted from any contributions or deductions from the salaries attached to such

offices towards the said public officers' widows' and orphans' fund; and it shall not be lawful for the Receiver-General and Treasurer to make any such deductions therefrom, any law now in force within these islands to the contrary notwithstanding.

II. That if any person contributing to the public officers' widows' and orphans' fund of this colony under the hereinbefore-recited Acts shall at any time signify to the President of these islands, in writing, his desire to be allowed to discontinue contributing to the said fund, and his willingness to forego any rights or claims that may have arisen from such contributions, such person, on ceasing to be a contributor, shall be entitled to receive back one moiety of all the contributions that he shall have made to such fund, and it shall not be lawful for such person again to become a contributor to the said widows' and orphans' fund, nor for himself or any one through him to be entitled to any further advantage therefrom.

No. 4.
Ord. No. 4,
1857.

One moiety of contribution may be returned to any Officer ceasing to contribute.

DIVISION II.—PENSIONS AND RETIRING ALLOWANCES.

No. 5.—ORDINANCE No. 22 of 1860.

An Ordinance for granting a Retiring Allowance to William Hamilton, Esquire, Provost Marshal, Police Magistrate, and Port Officer of these Islands. (Passed 8th June, 1860. Confirmed 17th Oct., 1860.)

No. 5.
Ord. No. 22,
1860.

WHEREAS William Hamilton, Esquire, Provost Marshal, Police Magistrate, and Port Officer of these islands, has been in the colonial service in Her Majesty's colonial possessions for a period of more than thirty years, and being desirous, in consequence of his age and infirmities, of retiring from service, it is just and proper that a sufficient provision should be made for him for the remainder of his life; May it, &c.,

PREAMBLE.

I. That upon the resignation of the said William Hamilton, Esquire, of the several offices now held by him, there shall be allowed and paid to him during the term of his life out of the Public Treasury of these islands, by warrant in the usual manner, a retiring allowance at and after the rate of One hundred and fifty pounds per annum.

II. That for and during the period that such retiring allowance shall continue payable to the said William Hamilton, the Police Magistrate for this Presidency shall receive a salary at and after the rate of One hundred and fifty pounds per annum for discharging the duties of the combined offices of Provost Marshal and Police Magistrate, subject to the provisions of the 28th section of Ordinance No. 12 of 1855 respecting the fees of the Police Magistrate.

III. That so much of the first section of Ordinance No. 11 of 1849 as provides that the lighthouse shall be under the direction, superintendence, and management of a port officer, also the seventh section of the said Ordinance shall be, and they are hereby repealed.

CLASS VIII.

ANNUAL SALARIES.

- No. 1. No. 1.—3 Vic. ch. 11. *An Act for the Support of Her Majesty's Government within these Islands.* (24th Dec., 1839.)
Act 3 Vic.
c. 11.

The only salaries now payable under this Act are,—

	£	s.	d.
Clerk of the Crown - - - - -	52	1	8
Crier of the Supreme Court - - - - -	13	0	5

- No. 2. No. 2.—3 Vic. ch. 12. *An Act to amend an Act, entitled "An Act for the Support of Her Majesty's Government within these Islands."* (3rd Feb., 1840.)
Act 3 Vic.
c. 12.

By this Act, the 3 Vic. ch. 11 is continued in force from and after the expiration of the period of seven years for which it was originally passed for and during the continuance of Her present Majesty's reign, and for Six months after the close thereof.

- No. 3. No. 3.—10 Vic. ch. 14. *An Act to amend an Act, entitled "An Act for the Support of Her Majesty's Government within these Islands."* (26th Feb., 1847.)
Act 10 Vic.
c. 14.

By virtue of this Act the sum of £5 is given to the keeper of the Court-house.

- No. 4. No. 4.—11 Vic. ch. 1. *An Act to authorize the Separation of the Islands commonly called the Turks Islands, &c. from the Bahama Government.* (22nd March, 1848.)
Act 11 Vic.
c. 1.

By section 10 of this Act the sum of £800 per annum is fixed as the salary of the President of these islands.

- No. 5. No. 5.—ORDINANCE No. 8 of 1849.
Ord. No. 8, 1849. *An Ordinance to provide for the appointment of the Officers of the Public Revenue, and for other purposes.* (Passed 10th July, 1849. Confirmed 5th Nov., 1851.)

By section 25 of this Ordinance the following salaries are given to the officers of the Revenue Department:—

	£	s.	d.
Receiver-General - - - - -	300	0	0
Assistant Receiver-General - - - - -	200	0	0
Revenue officer acting as warehouse-keeper and clerk to Receiver-General - - - - -	175	0	0
Revenue officer at Cockburn Harbour - - - - -	40	0	0
Other Revenue officers, each - - - - -	60	0	0

No. 6.—ORDINANCE No. 1 of 1852.

An Ordinance to provide a permanent Salary for the Judge of the Supreme Court. (Passed 16th July, 1852. Confirmed 23rd Feb., 1853.)

No. 6.
Ord. No. 1,
1852.

WHEREAS the office of Judge of the Supreme Court has, since the separation of these islands from the Bahama Government, become of greater responsibility than heretofore by reason of the said separation; And whereas there have been granted for three successive years, in furtherance of an increased remuneration to the said Judge, a salary of One hundred pounds in addition to the salary provided by law; and whereas Her Majesty's Government has recommended that a permanent salary should be provided for the said office, and in order that the person hereafter to be appointed by Her Majesty from time to time as Judge of the Supreme Court may be apprised of the actual salary he will receive upon his entering the duties of his said office; And whereas it is expedient to increase the emoluments of the office aforesaid and to make provision therefor; May it, &c., That from and after the allowance of this Ordinance there shall be paid to the Judge of the Supreme Court, out of the Public Treasury of these islands, in monthly payments in the usual manner, a salary at and after the rate of Four hundred and thirty pounds in lieu of all salary and emoluments whatsoever as ordinary of this Presidency and as Judge of the said Court as hitherto provided under the authority of the Acts of the Bahama Legislature 2nd Victoria, chapter 8th, and 10th Victoria, chapter 14th, which said Acts are hereby repealed so far only as relates to the salary of the said Judge. And that all costs and emoluments now received or coming into his hands by virtue of such offices shall be by him duly accounted for and paid quarterly into the Public Treasury in aid of the general revenue: Provided nevertheless, that upon death, resignation, or other removal from office of the present Judge of the Supreme Court, the payment of the salary granted by this Ordinance shall be suspended, unless the person so appointed to the office of Judge of the said Court be a barrister of Great Britain or Ireland.

PREAMBLE.

Salary for
the Judge of
the Supreme
Court £430.

Parts of the
Bahama Acts
2nd Vic. c. 8,
and 10th Vic.
c. 14, repealed.

Judge of
the Supreme
Court to be a
Barrister of
Great Britain
or Ireland.

No. 7.—ORDINANCE No. 7 of 1852.

An Ordinance to provide Fixed Salaries for the Colonial Secretary and the Private Secretary or Clerk in the office of the Officer administering the Government, &c. (Passed 4th Sept., 1852. Confirmed 24th Sept., 1853.)

No. 7.
Ord. No. 7,
1852.

By section 3 the following salaries are made payable:—

	£	s.	d.
To the Colonial Secretary, ex-officio registrar of deeds and clerk of the Council	-	-	-
To the Private Secretary	-	-	-
	350	0	0
	150	0	0

See Ordinance, *ante*, Part VIII., Class II., No. 3.

2 N 2

No. 8.—ORDINANCE No. 4 of 1853.

No. 8. *An Ordinance to enable the President of the Turks and Caicos Islands to appoint an Inspector and Head Master over the Public Schools, also Masters and Teachers for the same, and for other purposes therein mentioned.* (Passed 29th Oct., 1853. Confirmed 6th April, 1854.)

By section 12 a sum not exceeding £450 per annum is granted for school purposes, and a sum not less than £180, and not more than £200 per annum, is granted for the inspector and head master.

No. 9.—ORDINANCE No. 5 of 1854.

No. 9. *An Ordinance to Establish a Post-office within the Turks and Caicos Islands.* (Passed 14th July, 1854. Confirmed 11th Dec., 1854.)

By section 3 of this Ordinance the sum of £50 per annum is granted to a postmaster.

No. 10.—ORDINANCE No. 7 of 1855.

No. 10. *An Ordinance to consolidate and amend the several Laws at present in force regulating the Division of Parishes within these Islands, &c.* (Passed 5th July, 1855. Confirmed 21st Feb., 1856.)

By section 17 the following annual salaries are payable :—

	£	s.	d.
Rector of St. Thomas' parish	-	370	0 0
House allowance	-	45	0 0
Any future rector, for salary and house-rent	-	300	0 0
Clerk of the parish of St. Thomas	-	51	13 4
Sexton of the said parish	-	26	16 8

No. 11.—ORDINANCE No. 12 of 1855.

No. 11. *An Ordinance to Regulate the Police, &c.* (Passed 31st Oct. 1855. Confirmed 20th March, 1856.)

By section 5 of this Ordinance the salary of the Police Magistrate <i>ex-officio</i> Provost Marshal is fixed at,* per annum	£	s.	d.
-	-	200	0 0
To the Assistant Police Magistrate at Salt Cay	-	25	0 0
„ the chief constables and clerk in police office	-	80	0 0
„ the constables at Grand Cay not exceeding, each	-	26	0 0
„ the constables at Salt Cay not exceeding, each	-	20	0 0
„ the constables at the Caicos not exceeding, each	-	16	0 0

* So long as the pension to the last occupant continues payable, the stipend to be received by the Police Magistrate is £150. See *ante*, Part IX., No. 5.

No. 12.—ORDINANCE No. 7 of 1860.

An Ordinance to provide Assistance in aid of the Establishment of a Resident Wesleyan Methodist Minister at Salt Cay. (Passed 13th April, 1860. Confirmed 5th Sept., 1860.)

No. 12.
Ord. No. 7,
1860.

By this Ordinance a sum of £80 per annum is voted for the purpose above mentioned.

No. 13.—ORDINANCE No. 9 of 1860.

An Ordinance to Establish and Regulate a Public Bank for the Turks and Caicos Islands. (Passed 17th of April, 1860. Confirmed 25th July, 1860.)

No. 13.
Ord. No. 9,
1860.

By this Ordinance the cashier of the Bank is to receive the entire profits until they amount to £200.

No. 14.—ORDINANCE No. 15 of 1860.

An Ordinance to amend Ordinance No. 7 of 1855, &c. (Passed 1st May, 1860. Confirmed 17th Oct., 1860.)

No. 14.
Ord. No. 15,
1860.

By this Ordinance the following salaries are payable:—

	£	s.	d.
To the rector of the parish of St. John, per annum	200	0	0
„ the clerk of the vestry - - - - -	10	0	0
„ the sexton - - - - -	10	8	4

No. 15.—ORDINANCE No. 19 of 1860.

An Ordinance to amend Ordinance No. 5 of 1854, &c. (Passed 29th May, 1860. Confirmed 14th June, 1861.)

No. 15.
Ord. No. 19,
1860.

By section 6 of this Ordinance the Deputy Postmaster at Salt Cay is to receive £10 per annum.

The Deputy Postmaster at Cockburn Harbour £5 per annum.

No. 11.—ORDINANCE No. 3 of 1856.

An Ordinance to provide for the Prospective Reduction of certain Official Salaries and Allowances. (Passed 3rd July, 1856. Confirmed 18th March, 1857.)

No. 11.
Ord. No. 3,
1856.

WHEREAS it is expedient that the rates of salary and allowances now payable to certain of the public officers of this Presidency should, on the death, resignation, or other removal from office of the said officers respectively, be reduced to a scale better suited to the exigencies of the colony; May it therefore

PREAMBLE.

No. 11.
Ord. No. 3,
1856.

please the Queen's Most Excellent Majesty that it may be ordained by—

I. That upon the death, resignation, or other removal from office of the present holders of the public offices of this colony hereinafter mentioned, there shall be allowed and paid out of the Public Treasury of these islands to the persons appointed to such offices respectively, as hereinafter are mentioned (anything in any Act or Acts of Assembly of the Bahama Islands, or Ordinance or Ordinances of these islands to the contrary notwithstanding), in monthly payments, by warrant in the usual manner, in lieu of the salaries and allowances now payable to the holders of such public offices, the following annual sums of money, to wit:—

	£	s.	d.
To his Honour the Judge of the Supreme Court ..	400	0	0
„ the Prothonotary of the Supreme Court ..	50	0	0
„ the crier and keeper of the Court-house ..	15	0	0
„ the Colonial Secretary <i>ex-officio</i> Clerk of the Councils ..	300	0	0
„ the rector of the parish of St. Thomas ..	250	0	0
„ the clerk to the Colonial Secretary ..	60	0	0
„ the sergeant-at-arms, acting as office-keeper and messenger of the Council ..	30	0	0
„ the Assistant Receiver-General, Salt Cay ..	175	0	0
„ the warehouse-keeper ..	150	0	0
„ the clerk in the Receiver-General's office ..	50	0	0
„ the revenue officer, acting as warehouse-keeper and boarding officer at Salt Cay, to include a boat for the service ..	100	0	0
„ the revenue officer, acting as boarding officer, Grand Turk, to include a boat for the service ..	80	0	0
„ the revenue officer at Cockburn Harbour, to include a boat for the service ..	80	0	0
„ the gaoler, Grand Turk ..	80	0	0
„ the turnkey, Grand Turk ..	50	0	0
„ the head constable at Salt Cay, to act as gaoler ..	30	0	0
„ the second constable ..	16	0	0
„ the physician to the gaol ..	40	0	0
„ the Postmaster ..	50	0	0
„ the lighthouse-keeper ..	75	0	0
„ the assistant lighthouse-keeper ..	40	0	0
„ the deputy assistant lighthouse-keeper ..	25	0	0
„ the inspector and head master of public schools, not to exceed ..	125	0	0

That so soon as the reduction in the salary of the Inspector and Head Master shall take effect, the sum granted by section 12 of Ordinance No. 4 of 1853, for educational purposes, shall be fixed at £400 in lieu of £450, and the 16th section of the said Ordinance, granting the sum of £70 for passage allowance of an Inspector and Head-master, shall be repealed, and the same is hereby repealed accordingly.

PART X.

MISCELLANEOUS LAWS.

ABOLITION OF UNNECESSARY OATHS.

No. 1.—11 Vic. ch. 7. *An Act for the Abolition of Unnecessary Oaths.* (22nd March, 1848.)

No. 1.
Act 11 Vic.
c. 7.

PREAMBLE.

WHEREAS the administration of oaths on the entry and clearance of vessels or goods inwards or outwards at the office of the Receiver-General and Treasurer, as also at the offices of the several Receivers of Colonial Duties has been abolished by the 22nd section of the Act of Assembly, passed in the eighth year of your Majesty's reign, for the better regulation of the office of Receiver-General and Treasurer, and it is expedient that the principle of that enactment should be extended to certain other oaths now by law required to be administered and taken; May it, &c., That from and after the passing of this Act the following oaths shall be abolished, and in lieu thereof the person or persons now required by law to take any such oath or oaths shall make and subscribe a declaration or declarations to the same effect as the oath or oaths hereby abolished, that is to say, the several oaths required to be taken by an Act passed in the forty-fourth year of the reign of King George the Third, entitled, "An Act to oblige masters of vessels and other persons to give security in the Secretary's office, and for suspending two several Acts therein mentioned; also the oath required to be taken by pilots before entering on the discharge of their duties as pilots; also the oath required to be taken by persons elected to serve as vestrymen; and also the oath required to be taken by an executor of the last will and testament, or an administrator on the estate of any deceased person before entering on the discharge of his functions as such executor or administrator."

44 Geo. 3, c. 1.

4 W. 4, c. 24,
and 3 Vic. c. 6.
c. 1.

II. And whereas a practice has prevailed of administering and receiving oaths and affidavits voluntarily taken and made in matters not the subject of any judicial inquiry, nor in anywise pending or at issue before the Justice of the Peace or other person by whom such oaths or affidavits have been administered or received; And whereas doubts have arisen whether or not such proceeding is illegal, for the more effectual suppression of such practice and removing such doubts; Be it enacted, that from and after the commencement of this Act, it shall not be lawful for any Justice of the Peace or other person to administer, or cause or allow to be administered, or to receive, or cause, or allow to be received any oath, affidavit, or solemn affirmation touching any matter or thing whereof such Justice or other person hath not jurisdiction or cognizance by some statute in force at the time being, or which is not made or tendered to be made in some matter or question touching the preservation of the peace, under a penalty of One hundred pounds for every such offence, to be recovered at the

No. 1.
Act 11 Vic.
c. 7.

suit of the Crown by action of debt, in any Court of competent jurisdiction in the colony, and paid into the Public Treasury, in aid of the expenses of the Government of these islands: Provided always, that nothing herein contained shall be construed to extend to any oath, affidavit, or solemn affirmation, which may be required by the laws of any foreign country to give validity to instruments in writing, designed to be used in such foreign country.

No. 2.
Ord. No. 4,
1856.

No. 2.—ORDINANCE No. 4 of 1856.

An Ordinance to amend an Act entitled "An Act for the Abolition of Unnecessary Oaths." (Passed 9th July, 1856. Confirmed 11th Dec., 1856.)

PREAMBLE.

WHEREAS it is expedient to amend the Act passed in the eleventh year of your Majesty's reign, by the Legislature of the Bahama Islands, entitled "An Act for the Abolition of Unnecessary Oaths;" and which said Act is extended to this colony by the said Legislature, by the Act of the 11th Victoria, chapter 1, commonly known as the "Separation Act;" and to make some further provisions for the better effecting the object thereof; And whereas, it may be necessary and proper in many cases not therein specified to require confirmation of written instruments or allegations, or proof of debts, or of the execution of deeds, or other matters; May it, &c.,

I. That it shall and may be lawful for any Justice of the Peace, Notary Public, or other officer, who prior to the passing of the aforesaid Act was authorized by law to administer an oath, to take and receive the declaration of any person voluntarily making the same before him; and if any declaration so made shall be false or untrue in any material particular, the person wilfully making such false declaration shall be deemed guilty of a misdemeanour.

II. That whenever any declaration shall be made and subscribed by any person or persons under or in pursuance of the provisions of this Ordinance, or the Act to which it is an amendment, or any of them, all and every such fees or fee as would have been due and payable on the taking or making any legal oath, solemn affirmation, or affidavit, shall be in like manner due and payable upon making and subscribing such declaration.

III. That instead of the several oaths required by the Act of the Bahama Legislature, 2nd Victoria, chapter 6, for raising a revenue, sections 13 and 18, and extended to these islands, declarations to the same effect shall be substituted.

IV. That in any case where a declaration is substituted for an oath under the authority of this or any other law of the colony, any person who shall wilfully and corruptly make and subscribe any such declaration knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanour.

V. Provided always that nothing herein contained shall extend or apply to any oath now required to be taken by any person who may be appointed to any office, or to any oath specially required to be taken by any Ordinance or other law now in force in this colony, nor to any oath in any proceeding of a judicial nature or character, whether preliminary or final.

PUBLIC LIBRARY.

No. 3.—ORDINANCE No. 8 of 1851.

An Ordinance to establish a Public Library within the Turks and Caicos Islands. (Passed 10th Oct., 1851. Confirmed 8th June, 1852.)

No. 3.
Ord. No. 8,
1851.

WHEREAS an Ordinance, No. 9 of 1850, which passed the Legislative Council of these islands on the 22nd Oct., 1850, entitled "An Ordinance to establish a Public Library within the Turks and Caicos Islands," has been found to contain two sections irregular and objectionable in point of form, as implying a control on the part of the Legislative Council of the Turks and Caicos Islands over Her Majesty's Crown funds of those islands, and it is expedient that a similar Ordinance should be enacted free from the objection adverted to; And whereas the establishment of a public library would be of great benefit to the inhabitants of these islands generally; And whereas a number of books hitherto composing a lending library in connection with the Church Aid Society of these islands have been offered as a foundation for a public library, provided such an institution should be fixed and established upon some permanent basis; May it, &c., That a public library shall be established at Grand Turk, to be called "The Turks and Caicos Islands' Public Library;" and that four members of Council, two of whom shall be from among the elective members, shall be nominated annually, by the President or officer administering the Government, as trustees of the said library, with full power to make rules and regulations for the management of the said library, and such rules and regulations to amend or annul at their pleasure, and generally to transact all business connected with the said library—and that the President or officer administering the Government shall have the casting vote in the event of an equal division between the trustees, arising in any matter of dispute.

II. And be it further ordained, that it shall be lawful for the trustees aforesaid to procure subscriptions and receive donations towards the support of the said library, and such subscriptions and donations, together with such sum or sums of money as may be appropriated annually towards the support of such library by the Legislature of these islands, from the general revenue of the said islands, shall be applied by the said trustees towards the purchase and procuring of books and other requisites for the same: Provided always that the sum or sums so appropriated annually from the general revenue shall not exceed at any time the amount of subscriptions and value of donations obtained in each respective year, such sum, however, from the general revenue aforesaid not to exceed in any one year the sum of Fifty pounds.

III. And be it further ordained, that at every meeting of the trustees aforesaid, there shall be at least three members present, and all rules made or amended shall be approved of by the President or other officer administering the Government, before the same be acted upon.

IV. And be it further ordained, that in each year in the month of January, a yearly report of the state of such library shall be made by the trustees aforesaid to the Legislative Council.

PREAMBLE.

Public Library to be established. Four Members of Council, two of whom shall be elective, to be appointed by the President as Trustees.

Trustees to make Rules and have management. Reference to be made to the President in matters of dispute.

Subscriptions and Donations.

How to be appropriated. Grant from general Revenue not to exceed amount of subscriptions and other donations.

In no case to exceed £50.

Rules to be approved of by the President.

An Annual Report to be made to the Legislative Council.

No. 3.
Ord. No. 8,
1851.

Persons of every
denomination
may become
Subscribers.

By-rules, when
approved of to
be binding.

Penalties
inflicted to be
recovered
before one or
more Justices
of the Peace.

Penalties how
appropriated.

Grant from
General Re-
venue.

V. And be it further ordained, that it shall not be in the power of the President or other officer administering the Government, nor of the trustees as aforesaid, to restrict the number of subscribers by any by-rules or otherwise, to any class or denomination of persons whatsoever, but all parties who shall have resided for not less than Thirty days within this presidency shall be entitled, on payment of the subscription hereafter to be decided upon in the by-rules, to all such advantages and benefits as are likely to be derived from the establishment of a public library within these islands.

VI. And be it further ordained, that the by-rules and regulations as aforesaid shall, when approved of by the President as aforesaid, be equally binding upon the subscribers to the public library as if the said by-rules formed part of this Ordinance.

VII. And be it further ordained, that any penalties inflicted by the aforesaid by-rules upon any of the subscribers for injury or damage, wilfully or otherwise done, to any of the works, books, pamphlets, reviews, newspapers, publications, or other property belonging to the said library, shall be recovered before one or more Justices of the Peace, in the same manner as is already established by the law of these islands, for the recovery of all amounts not exceeding Five pounds: Provided always that each such penalty as aforesaid shall not exceed at any time double the amount of the value of the work, book, pamphlet, review, publication, or other property either lost, damaged, or injured, wilfully or otherwise, whilst in the possession of any of the subscribers; and it shall be lawful for the trustees aforesaid to appoint a librarian who shall be responsible for the safe keeping of the property hereby invested in such trustees.

VIII. And be it further ordained, that all penalties levied or awarded under the provisions of this Ordinance, shall be paid by the convicting Justice or Justices into the hands of the librarian, to be appropriated towards the maintenance of the said library.

IX. And be it further ordained, that there shall be paid out of the public revenue of these islands the sum of Fifty pounds, by warrant in the usual manner, in aid of the establishment of the said library, so soon as this Ordinance shall have been promulgated within these islands, under the authority and sanction conveyed to that effect by Earl Grey's despatch No. 73, bearing date Ninth April, One thousand eight hundred and fifty-one, by the President administering the Government of the said islands, subject notwithstanding to the royal assent thereto or to the provisional approval of the Captain-General and Governor-in-Chief for the time being.

CENSUS.

No. 4.—ORDINANCE No. 3 of 1860.

An Ordinance to provide for taking a Census of the Inhabitants of the Colony. (Passed 11th April, 1860. Confirmed 5th Sept., 1860.)

No. 4.
Ord. No. 3,
1860.

WHEREAS it is desirable that a correct census of the inhabitants of the colony should be taken at such time within two years after the proclamation of this Ordinance, as may be appointed for that purpose by the President; May it, &c.,

PREAMBLE.

I. That it shall be lawful for the President, at such time within the period aforesaid as he may deem fit, to cause a census of the inhabitants of the colony to be taken in such manner as he, with the advice of the Executive Council, may direct.

II. That it shall be lawful for the President, with the advice of the Council aforesaid, to make rules and regulations for carrying this Ordinance into effect, and all rules and regulations so made shall be published for general information, and shall from such publication have the force of law within these islands.

Rules to be made.

III. That for the breach of any such rules and regulations as aforesaid, to be proved before any one of Her Majesty's Justices of the Peace; it shall be lawful for such Justice to fine the offender in any sum not exceeding Five pounds, to be levied by warrant under the hand and seal of such Justice, by distress and sale of the offender's goods and chattels; and if no goods and chattels can be found whereon such fine as aforesaid can be levied, in such case it shall be lawful for such Justice to commit the offender to any prison within his district, there to remain for any term not exceeding Twenty days.

Penalty for breach of rules.

IV. That all expenses incurred under the authority of this Ordinance, or of any rule or rules, regulation or regulations, so to be made as aforesaid, shall be defrayed out of the Public Treasury of these islands by warrant in the usual manner.

Expenses how defrayed.

V. Definition of word President.

PROTECTION FROM THE SEA.

No. 5.—ORDINANCE No. 18 of 1860.

An Ordinance to secure the Western shore of Grand Turk from the inroads of the Ocean, and for other purposes. (Passed 4th May, 1860. Confirmed 27th Nov., 1860.)

No. 5.
Ord. No. 18,
1860.

WHEREAS the extensive encroachments of the ocean on the western shore of Grand Turk have already caused considerable injury to the property adjacent thereto; And whereas it is evident that the progressive inroads of the sea will, within a short period, create a far greater destruction of lands and houses, and also eventually submerge the principal salina of the colony; and whereas the abutments of the chief portion of Cockburn Town,

PREAMBLE.

No. 5.
Ord. No. 18,
1860.

The President
to appoint a
Board of
Public Works.

£250 to be
paid annually
for 3 years for
purposes of this
Ordinance.

Crown Com-
missioner to
prepare plan
and estimate.

No contract
to exceed
£2,000.

Tenders for
contracts to be
advertised for.

Penalty for
obstructing
Public Works.

fronting the sea, are in a most dilapidated condition, and it is indispensable that prompt measures should be adopted to protect the property of the inhabitants and the interests of the Crown in these islands from the danger with which both are threatened; and whereas from the large amount of money requisite to complete the works necessary for the purpose of protecting such property as aforesaid, it is fit that a moiety of the expense to be incurred should be paid out of the funds of the Public Treasury; May it, &c.,

I. That the Crown Commissioner for the time being, together with four other persons, two of whom at least shall be members of the Legislative Council of these islands, to be annually named and appointed by the President or officer administering the Government, shall be, and they are hereby constituted and appointed a Board of Public Works for this Presidency, and they, or a majority of them, are hereby invested with full power to carry the provisions of this Ordinance into execution.

II. That it shall be lawful for the said board, and they are hereby authorized to demand and receive from and out of the Public Treasury of these islands, from time to time, as the same shall be required, by warrant in the usual manner, the sum of Two hundred and fifty pounds per annum, for each of the years 1862, 1863, and 1864.

III. That it shall be the duty of the said board to apply all sums of money which may come into their hands under the provisions of this Ordinance, in aid of the construction, erection, and completion of the road in front of the town, and the wharves or piers, according to a plan to be approved of by the said board.

IV. That previous to any of the said works being ordered or sanctioned by the said board, they shall have before them a plan and estimate of the probable expense thereof, which it shall be the duty of the said Crown Commissioner, on being duly required, to furnish with such other information as may be necessary; and it shall be the further duty of such Crown Commissioner, from time to time, to inspect all of the said works and to report thereon to the said board, all which reports and estimates, respectively, shall be laid before the Legislative Council at its annual meeting.

V. That it shall not be lawful for the said board to enter into any contract to a greater amount than Two thousand pounds, or to direct payment to be made for any work until the same shall have been duly performed; except in such cases as they shall deem it advantageous to the public to advance money on account of any contract actually entered into, but in no case shall the sum so advanced exceed one-third of the amount contracted for.

VI. That no requisition for money made by the aforesaid board shall be valid unless signed by a majority of the said board.

VII. That whenever the probable cost of any work required to be done shall exceed Twenty pounds, it shall be the duty of the said board to advertise in the public newspapers of the colony for sealed proposals for the performance of the same under contract, with two responsible persons as sureties, in such sum as the said board shall deem sufficient.

VIII. That if any person or persons shall wilfully interrupt or obstruct the said board or any member of it, or any other person employed by the said board in the performance of any work or Act

authorized or required to be performed by this Ordinance, every person so offending shall, on conviction thereof before two Justices of the Peace, pay for every such offence a fine of Five pounds, to be levied by warrant under hands and seals of such Justices, by distress and sale of the offender's goods and chattels, and if no goods and chattels can be found whereon such fine as aforesaid can be levied, then and in such case it shall be lawful for such Justices to commit the offender to the common gaol of these islands, there to remain for any term not exceeding Three months.

IX. That it shall be lawful for the said Board to meet from time to time, as often as may be necessary, at the request of any two of the members thereof; due notice to each member of such intended meeting being given at least two hours before such meeting.

X. That the said Board shall, at the annual meeting of the Legislature, and at all other times when so required, render a true and faithful account to the Legislative Council of these islands of the expenditure of all moneys received by them.

XI. That in any action at law to be brought for any Act, matter, or thing done under or by virtue of this Ordinance against the said Board, or any member thereof, or against any overseer, or any contractor or contractors as aforesaid, or others in anywise acting directly or indirectly under the authority of the said Board, in the premises, it shall be lawful for the defendant or defendants to plead the general issue, and give this Ordinance and the special matter in evidence under that plea; and in case of judgment for the defendant or defendants or discontinuance of suit before judgment, the said defendant or defendants shall be entitled to double costs.

XII. That all fines incurred by this Ordinance, when recovered, shall be reserved for the use of Her Majesty, her heirs, and successors, to be applied towards the support of the Government of these islands.

No. 5.
Ord. No. 18,
1860.

Board to make
returns of
expenditure to
the Legislative
Council.

GENERAL VACCINATION.

No. 6.—ORDINANCE No. 21 of 1860.

An Ordinance to promote General Vaccination. (Passed 30th May, 1860. Confirmed 17th Oct., 1860.)

No. 6.
Ord. No. 21,
1860.

WHEREAS the small-pox now prevails at the neighbouring island of St. Domingo, and it is expedient that precaution should be taken to protect the people of these islands from the extension and ravages of so loathsome and destructive a disorder; May it, &c.,

PREAMBLE.

I. That it shall be lawful for the President of these islands, from time to time, to appoint persons to act as vaccinators for the various districts within the colony, or for any subdivision of any such district, as the President may think fit to make for the purposes of this Ordinance, whose duty it shall be, from time to time, under and subject to the provisions of this Ordinance, to vaccinate such of the indigent poor as may require their services for that purpose.

No. 6.
Ord. No. 21,
1860.

II. That it shall be the duty of each public vaccinator semi-annually to take the most effectual means for giving to all persons resident within his district due notice of the place, and of the day and hour at which such vaccinator will attend to vaccinate such poor persons, not having been already successfully vaccinated, as may then appear there, for that purpose, and also of the day and hour at which such vaccinator will attend at such place, to inspect the result of such vaccination.

III. In case of an infant of tender age vaccinated under the provisions of this Ordinance, it shall be the duty of the person who shall have brought such infant to be vaccinated to cause such infant, on the eighth day following the day on which the infant shall have been so vaccinated, to be again brought before the vaccinator by whom the operation was performed, or any other vaccinator lawfully acting for him; and in case of any person of years of discretion being vaccinated, as aforesaid, it shall be his duty, on the eighth day, as aforesaid, again to come before the said vaccinator, or other person lawfully acting, as aforesaid, that he may ascertain by inspection the result of the operation; and any person omitting or neglecting to comply with the requirements in this clause contained shall forfeit and pay a fine not exceeding Four shillings.

IV. It shall be the duty of each vaccinator, immediately after the vaccination of any person under the authority of this Ordinance, to enter upon the register-sheet, to be furnished for that purpose as hereinafter provided, the particulars required to be registered according to the form in the Schedule to this Ordinance annexed, and after inspection on the eighth day, as aforesaid, then in case such vaccinator shall be a duly qualified medical practitioner, to certify the result thereof by his signature in the proper column; but if such vaccinator shall not be a duly qualified medical practitioner, it shall be his duty, where any such vaccination shall be unsuccessful, to certify the same under his own signature; but if successful, then to obtain the signature of some Justice of the Peace, or Minister of Religion (when either can be obtained), together with his own certificate thereto.

V. That every vaccinator shall, as soon as practicable after the last day of June and December in every year, deliver or transmit by some safe conveyance to the office of the Colonial Secretary at Grand Turk, every such sheet upon which entries shall have been made, as aforesaid, under the authority of this Ordinance, during the half-year ending on the said last day of the said months respectively.

VI. That for each successful vaccination so performed, registered, and certified, as aforesaid, the vaccinator performing the same shall be entitled to receive a fee of Two shillings, to be paid to such vaccinator out of the Public Treasury, by warrant in the usual manner, on the certificate of the Colonial Secretary, that such vaccinator's half-yearly returns have been by him received; and that the same in all respects conform to the provisions of this Ordinance.

VII. Whereas the use of variolous matter, for the purpose of producing by inoculation therewith a modified small-pox, is dangerous to a community, as tending to propagate a virulent and con-

tagious disease; and whereas the practice of inoculating by matter taken from the body of a patient labouring under small-pox has been by law prohibited in Great Britain; Be it enacted, that it shall not be lawful for any one, either during the prevalence of an epidemic of small-pox or at any other time, to inoculate any person with variolous matter under any pretence whatever, and any person so offending shall be liable to a penalty not exceeding Five pounds.

VIII. It shall be lawful for the Board of Health, and they are hereby empowered to take the necessary steps for procuring, as often as may be required, a supply of genuine vaccine virus; and from time to time to issue the same to the parties authorized, as aforesaid, to perform vaccinations under this Ordinance, and the necessary expenses connected therewith shall be defrayed out of the Public Treasury by warrant in the usual manner.

IX. It shall be the duty of the Board of Health to prepare and have printed a set of instructions for the information and guidance of Magistrates, or other non-professional persons who may be appointed public vaccinators, a copy of which instruction shall be forwarded by the Colonial Secretary to such persons; and it shall be the duty of every such non-professional vaccinator carefully to conform to the principles and practice therein contained.

X. That a sufficient number of forms for the registry of vaccinations according to the form in the Schedule to this Ordinance annexed, shall, from time to time, be procured at the public expense, and furnished to such vaccinators from the office of the Colonial Secretary.

XI. All penalties by this Ordinance imposed shall be recoverable before any one or more of Her Majesty's Justices of the Peace, and shall be reserved to the use of Her Majesty, her heirs, and successors, and be paid into the Treasury of these islands in aid of the public revenue of the colony.

[SCHEDULE.

No. 6.
Ord. No. 21,
1860.

SCHEDULE.

TURKS AND CAICOS ISLANDS.

List of Persons Vaccinated in the District of _____ during the six months ending 186

No.	When Vaccinated.	Name, if any.	Age.	Sex.	Name of Parent or Guardian.	When Inspected.	Result— Successful or not.	Signature of Certifier.

RE-VACCINATION.—When the letter "R" is prefixed to a case, it is intended to show that the operation had been previously unsuccessfully performed.

I hereby certify that the above persons enumerated in the column headed "*successful*," numbering _____ have been successfully vaccinated by me.

Public Vaccinator.

APPENDIX,
CONTAINING CERTAIN ACTS OF PARLIAMENT
IN FORCE.

APPENDIX.

No. 1.—4 Geo. 4, ch. 48. *An Act for enabling Courts to abstain from pronouncing Sentence of Death in certain Capital Felonies.*
(4th July, 1823.)

No. 1.
Act 4 G. 4,
c. 48.

WHEREAS it is expedient that in all cases of felony not within the benefit of clergy, except murder, the Court before which the offender or offenders shall be convicted shall be authorized to abstain from pronouncing judgment of death whenever such Court shall be of opinion that, under the particular circumstances of any case, the offender or offenders is or are a fit and proper subject or fit and proper subjects to be recommended for the Royal mercy; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, whenever any person shall be convicted of any felony, except murder, and shall by law be excluded the benefit of clergy in respect thereof, and the Court before which such offender shall be convicted shall be of opinion that, under the particular circumstances of the case, such offender is a fit and proper subject to be recommended for the Royal mercy, it shall and may be lawful for such Court, if it shall think fit so to do, to direct the proper officer, then being present in Court, to require and ask, whereupon such officer shall require and ask, if such offender hath or knoweth anything to say why judgment of death should not be recorded against such offender; and in case such offender shall not allege any matter or thing sufficient in law to arrest or bar such judgment, the Court shall and may, and is hereby authorized to abstain from pronouncing judgment of death upon such offender; and instead of pronouncing such judgment, to order the same to be entered of record, and thereupon such proper officer, as aforesaid, shall and may, and is hereby authorized to enter judgment of death on record against such offender in the usual and accustomed form, and in such and the same manner as is now used, and as if judgment of death had actually been pronounced in open Court against such offender by the Court before which such offender shall have been convicted.

Court may abstain from pronouncing Sentence of Death on persons convicted of any felonies, except Murder.

II. And be it further enacted, That a record of every such judgment, so entered as aforesaid, shall have the like effect to all intents and purposes, and be followed by all the same consequences as if such judgment had actually been pronounced in open Court, and the offender had been reprieved by the Court.

Record of Judgment to have the same effect as if pronounced.

No. 2.
Act 4 G. 4,
c. 52.

No. 2.—4 Geo. 4, ch. 52. *An Act to alter and amend the Law relating to the Interment of the Remains of any Person found felo de se.* (8th July, 1823.)

Remains of
Persons against
whom a finding
of *Felo de se*
is had, to be
privately buried
in the parish
churchyard.

WHEREAS it is expedient that the laws and usages relating to the interment of the remains of persons against whom a finding of *felo de se* shall be had, should be altered and amended; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act it shall not be lawful for any coroner, or other officer having authority to hold inquests, to issue any warrant or other process directing the interment of the remains of persons against whom a finding of *felo de se* shall be had, in any public highway, but that such coroner or other officer shall give directions for the private interment of the remains of such person *felo de se*, without any stake being driven through the body of such person, in the churchyard or other burial-ground of the parish or place in which the remains of such person might, by the laws or custom of England, be interred if the verdict of *felo de se* had not been found against such person; such interment to be made within twenty-four hours from the finding of the inquisition, and to take place between the hours of nine and twelve at night.

Rites of Christian Burial not to be performed; and former Laws and usages not to be altered.

II. Provided nevertheless, That nothing herein contained shall authorize the performing any of the rites of Christian burial on the interment of the remains of any such person as aforesaid; nor shall anything hereinbefore contained be taken to alter the laws or usages relating to the burial of such persons, except so far as relates to the interment of such remains in such churchyard or burial-ground, at such time and in such manner as aforesaid.

No. 3.
Act 7 & 8,
G. 4, c. 18.

No. 3.—7 & 8 Geo. 4. ch. 18. *An Act to prohibit the setting of Spring Guns, Man-Traps, and other Engines calculated to destroy human life or inflict grievous bodily harm.* (28th May, 1827.)

Persons setting
or placing
Spring Guns,
Man-Traps, &c.,
guilty of a
Misdemeanour.

WHEREAS it is expedient to prohibit the setting of spring guns, and man-traps and other usages calculated to destroy human life or inflict grievous bodily harm; Be it therefore enacted and declared by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, if any person shall set or place, or cause to be set or placed, any spring gun, man trap, or other engine calculated to destroy human life, or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm upon a trespasser, or other person coming in contact therewith, the person so setting or placing, or causing to be so set or placed, such gun, trap, or engine as aforesaid, shall be guilty of a misdemeanour.

II. Provided always, and be it further enacted, That nothing herein contained shall extend to make it illegal to set any gin or trap such as may have been or may be usually set with the intent of destroying vermin.

No. 3.
Act 7 & 8
G. 4, c. 18.

III. And be it further enacted and declared, That if any person shall knowingly and wilfully permit any such spring gun, man-trap, or other engine as aforesaid, which may have been set, fixed, or left in any place then being in or afterwards coming into his or her possession or occupation, by some other person or persons, to continue so set or fixed, the person so permitting the same to continue shall be deemed to have set and fixed such gun, trap, or engine, with such intent as aforesaid.

Persons permitting Guns, Traps, &c., set by others to continue, deemed to have set the same.

IV. Provided always, and be it further enacted, That nothing in this Act shall be deemed or construed to make it a misdemeanour within the meaning of this Act, to set or cause to be set, or to be continued set, from sunset to sunrise, any spring gun, man-trap, or other engine, which shall be set or caused or continued to be set in a dwelling-house for the protection thereof.

Proviso for Guns, Traps, &c., set for the protection of Dwelling-Houses.

V. Provided always, and it is hereby further enacted and declared, That nothing in this Act contained shall in any manner affect or authorize any proceedings in any civil or criminal Court touching any matter or thing done or committed previous to the passing of this Act.

Not to affect proceedings already commenced.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to that part of the United Kingdom called Scotland.

Not to extend to Scotland.

No. 4.—9 Geo. 4, ch. 32. *An Act for amending the Law of Evidence in certain cases.* (27th June, 1828.)

No. 4.
Act 9 G. 4,
c. 32.

WHEREAS it is expedient that Quakers and Moravians should be allowed to give evidence upon their solemn affirmation in all cases, criminal as well as civil, and that in prosecutions for forgery, the party interested should be rendered a competent witness; Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that every Quaker or Moravian who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following: that is to say, I, A. B., do solemnly, sincerely, and truly declare and affirm;" which said affirmation or declaration shall be of the same force and effect in all Courts of Justice and other places where by law an oath is required as if such Quaker or Moravian had taken an oath in the usual form; and if any person making such affirmation or declaration shall be convicted of having wilfully, falsely, and corruptly affirmed or declared any matter or thing, which if the same had been sworn in the usual form would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful and corrupt perjury are or shall be subject.

Quakers or Moravians required to give Evidence may, instead of an Oath, make their solemn Affirmation, which shall be of the same effect in all cases, Civil or Criminal.

No. 4.
Act 9 G. 4,
c. 32.

The party
whose name
is forged
shall be a
competent
Witness in
Prosecutions
for Forgery.

Every punish-
ment for
Felony, after
it has been
endured,
shall have
the effect of
a Pardon
under the
Great Seal.

No Misdemeanour (except Perjury) shall render a party an incompetent Witness after he has undergone the Punishment.

II. And be it enacted, That on any prosecution by indictment or information, either at common law or by virtue of any statute against any person for forging any deed, writing, instrument, or other matter whatsoever; or for uttering or disposing of any deed, writing, instrument, or other matter whatsoever, knowing the same to be forged; or for being accessory before or after the fact to any such offence, if the same be a felony; or for aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanour; no person shall be deemed to be an incompetent witness in support of any such prosecution, by reason of any interest which such person may have or be supposed to have in respect of such deed, writing, instrument, or other matter.

III. And whereas it is expedient to prevent all doubts respecting the civil rights of persons convicted of felonies not capital, who have undergone the punishment to which they were adjudged; Be it therefore enacted, That where any offender hath been or shall be convicted of any felony not punishable with death, and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a pardon under the Great Seal as to the felony whereof the offender was so convicted: Provided always, that nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other felony.

IV. And whereas there are certain misdemeanours which render the parties convicted thereof incompetent witnesses, and it is expedient to restore the competency of such parties after they have undergone their punishment; Be it therefore enacted, That where any offender hath been or shall be convicted of any such misdemeanour (except perjury or subornation of perjury), and hath endured or shall endure the punishment to which such offender hath been or shall be adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be by reason of such misdemeanour, an incompetent witness in any Court or proceeding, civil or criminal.

No. 5.
Act 10 G. 4,
c. 7.

No. 5.—10 Geo. 4, ch. 7. *An Act for the relief of His Majesty's Roman Catholic Subjects.* (13th April, 1829.)

WHEREAS by various Acts of Parliament certain restraints and disabilities are imposed on the Roman Catholic subjects of His Majesty, to which other subjects of His Majesty are not liable; And whereas it is expedient that such restraints and disabilities shall be from henceforth discontinued; And whereas by various Acts certain oaths and certain declarations, commonly called the declaration against transubstantiation, and the declaration against transubstantiation and the invocation of saints and the sacrifice of the mass as practised in the Church of Rome are or may be required to be taken, made, and subscribed by the subjects of His Majesty, as qualifications for sitting and voting in Parliament, and for the enjoyment of certain offices, franchises, and civil

rights; Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the commencement of this Act all such parts of the said Acts as require the said declarations, or either of them to be made or subscribed by any of His Majesty's subjects as a qualification for sitting and voting in Parliament, or for the exercise or enjoyment of any office, franchise, or civil right, be and the same are (save as hereinafter provided and excepted) hereby repealed.

II. And be it enacted, That from and after the commencement of this Act it shall be lawful for any person professing the Roman Catholic religion being a peer, or who shall after the commencement of this Act be returned as a member of the House of Commons, to sit and vote in either House of Parliament respectively, being in all other respects duly qualified to sit and vote therein upon taking and subscribing the following oath, instead of the oaths of allegiance, supremacy, and abjuration:—

"I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King George the Fourth, and will defend him to the utmost of my power against all conspiracies and attempts whatever which shall be made against his person, crown, or dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, his heirs, and successors, all treasons and traitorous conspiracies which may be formed against him or them: And I do faithfully promise to maintain, support, and defend to the utmost of my power the succession of the crown, which succession by an Act, entitled 'An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, electress of Hanover, and the heirs of her body, being protestants; hereby utterly renouncing and abjuring any obedience or allegiance unto any other person claiming or pretending a right to the crown of this realm: And I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated or deprived by the Pope or any other authority of the see of Rome may be deposed or murdered by their subjects, or by any person whatsoever: And I do declare that I do not believe that the Pope of Rome or any other foreign prince, prelate, person, state, or potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm. I do swear that I will defend to the utmost of my power the settlement of property within this realm as established by the laws: And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment as settled by law within this realm: And I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom: And I do solemnly, in the presence of God, profess, testify, and declare that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatsoever,

"SO HELP ME GOD."

No. 5.
Act 10 G. 4,
c. 7.

Acts relating
to Declarations
against Tran-
substantiation,
repealed.

Roman
Catholics
may sit and
vote in Par-
liament, on
taking the
Oath.

No. 5.
Act 10 G. 4,
c. 7.

The Name of
the Sovereign
for the time
being to be
used in the
Oath.

No Roman
Catholic
capable of
sitting or
voting until
he has taken
the Oath.

Roman
Catholics
may vote at
Elections,
and be elected,
upon taking
the Oath.

Oath shall be
administered
in the same
manner as
former Oaths.

Persons
administer-
ing Oaths at
Elections to
take an Oath
duly to ad-
minister.

III. And be it further enacted, That wherever in the oath hereby appointed and set forth the name of His present Majesty is expressed or referred to, the name of the sovereign of this kingdom for the time being by virtue of the Act for the further limitation of the Crown and better securing the rights and liberties of the subject, shall be substituted from time to time with proper words of reference thereto.

IV. Provided always, and be it further enacted, That no peer professing the Roman Catholic religion, and no person professing the Roman Catholic religion who shall be returned a member of the House of Commons after the commencement of this Act shall be capable of sitting or voting in either House of Parliament respectively, unless he shall first take and subscribe the oath hereinbefore appointed and set forth before the same persons, at the same times and places, and in the same manner as the oaths and the declaration now required by law are respectively directed to be taken, made, and subscribed; and that any such person professing the Roman Catholic religion who shall sit or vote in either House of Parliament without having first taken and subscribed in the manner aforesaid the oath in this Act appointed and set forth, shall be subject to the same penalties, forfeitures, and disabilities, and the offence of so sitting or voting shall be followed and attended by and with the same consequences as are by law enacted and provided in the case of persons sitting or voting in either House of Parliament respectively, without the taking, making, and subscribing the oaths and the declaration now required by law.

V. And be it further enacted, That it shall be lawful for persons professing the Roman Catholic religion to vote at elections of members to serve in Parliament for England and for Ireland, and also to vote at the elections of representative peers of Scotland and of Ireland, and to be elected such representative peers, being in all other respects duly qualified upon taking and subscribing the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of the declaration now by law required, and instead also of such other oath or oaths as are now by law required to be taken by any of His Majesty's subjects professing the Roman Catholic religion, and upon taking also such other oath or oaths as may now be lawfully tendered to any persons offering to vote at such elections.

VI. And be it further enacted, That the oath hereinbefore appointed and set forth shall be administered to His Majesty's subjects professing the Roman Catholic religion for the purpose of enabling them to vote in any of the cases aforesaid in the same manner, at the same time, and by the same officers or other persons as the oaths for which it is hereby substituted are or may be now by law administered; and that in all cases in which a certificate of the taking, making, or subscribing of any of the oaths or of the declaration now required by law is directed to be given a like certificate of the taking or subscribing of the oath hereby appointed and set forth shall be given by the same officer or other person, and in the same manner as the certificate now required by law is directed to be given, and shall be of the like force and effect.

VII. And be it further enacted, That in all cases where the persons now authorized by law to administer the oaths of allegiance, supremacy, and abjuration to persons voting at elections are them-

selves required to take an oath previous to their administering such oaths, they shall, in addition to the oath now by them taken, take an oath for the duly administering the oath hereby appointed and set forth, and for the duly granting certificates of the same.

VIII. And whereas in an Act of the Parliament of Scotland made in the eight and ninth session of the first Parliament of King William the Third, entitled "An Act for the preventing the Growth of Popery," a certain declaration of formula is therein contained which it is expedient should no longer be required to be taken and subscribed; Be it therefore enacted, that such parts of any Acts as authorize the said declaration or formula to be tendered, or require the same to be taken, sworn, and subscribed, shall be and the same are hereby repealed, except as to such offices, places, and rights as are hereinafter excepted; and that from and after the commencement of this Act it shall be lawful for persons professing the Roman Catholic religion to elect and be elected members to serve in Parliament for Scotland, and to be enrolled as freeholders in any shire or stewartry of Scotland, and to be chosen commissioners or delegates for choosing burgesses to serve in Parliament for any districts of burghs in Scotland, being in all other respects duly qualified, such persons always taking and subscribing the oath hereinbefore appointed and set forth instead of the oaths of allegiance and abjuration as now required by law at such time as the said last-mentioned oaths, or either of them, are now required by law to be taken.

IX. And be it further enacted, That no person in holy orders in the Church of Rome shall be capable of being elected to serve in Parliament as a member of the House of Commons; and if any such person shall be elected to serve in Parliament as aforesaid, such election shall be void; and if any person being elected to serve in Parliament as a member of the House of Commons shall, after his election, take or receive holy orders in the Church of Rome, the seat of such person shall immediately become void; and if any such person shall in any of the cases aforesaid presume to sit or vote as a member of the House of Commons, he shall be subject to the same penalties, forfeitures, and disabilities as are enacted by an Act passed in the Forty-first year of the reign of King George the Third, entitled "An Act to remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons;" and proof of the celebration of any religious service by such person according to the rites of the Church of Rome shall be deemed and taken to be *prima facie* evidence of the fact of such person being in holy orders within the intent and meaning of this Act.

X. And be it enacted, That it shall be lawful for any of His Majesty's subjects professing the Roman Catholic religion, to hold, exercise, and enjoy all civil and military offices and places of trust or profit under His Majesty, his heirs, or successors, and to exercise any other franchise or civil right, except as hereinafter excepted, upon taking and subscribing at the times and in the manner hereinbefore mentioned the oath hereinbefore appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration, and instead of such other oath or oaths as are or may be now by law required to be taken for the purpose aforesaid by any of His Majesty's subjects professing the Roman Catholic religion.

No. 5.
Act 10 G. 4,
c. 7.

So much of any Acts as require the Formula contained in 8 & 9 W. 3, c. 3 (S.) to be tendered or taken, repealed.

Roman Catholics may elect and be elected Members for Scotland.

No Roman Catholic Priest to sit in the House of Commons.

Roman Catholics may hold Civil and Military Offices under His Majesty, with certain exceptions.

No. 5.
Act 10 G. 4,
c. 7.

Not to exempt
Roman Catho-
lics from taking
any other
Oaths required.
Offices with-
held from
Roman
Catholics.

Nothing herein
to repeal
7 G. 4, c. 72.

Roman
Catholics may
be Members of
Lay Corpora-
tions.

Such Members
of Corporations
not to vote in
Ecclesiastical
Appointments.

Not to extend
to Offices, &c.,
in the Estab-
lished Church,
or Ecclesiastical
Courts,
Universities,
Colleges, or
Schools;

XI. Provided always, and be it enacted, That nothing herein contained shall be construed to exempt any person professing the Roman Catholic religion from the necessity of taking any oath or oaths, or making any declaration not hereinbefore mentioned, which are or may be by law required to be taken or subscribed by any person on his admission into any such office or place of trust or profit as aforesaid.

XII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable any person or persons professing the Roman Catholic religion to hold or exercise the office of guardians and Justices of the United Kingdom, or of Regent of the United Kingdom, under whatever name, style, or title such office may be constituted; nor to enable any person otherwise than as he is now by law enabled, to hold or enjoy the office of Lord High Chancellor, Lord Keeper or Lord Commissioner of the Great Seal of Great Britain or Ireland; or the office of Lord-Lieutenant, or Lord Deputy, or other chief Governor or Governors of Ireland; or His Majesty's High Commissioner to the General Assembly of the Church of Scotland.

XIII. Provided also, and be it further enacted, That nothing herein contained shall be construed to affect or alter any of the provisions of an Act passed in the seventh year of His present Majesty's reign, entitled "An Act to consolidate and amend the Laws which regulate the Levy and Application of Church Rates and Parish Cesses, and the Election of Churchwardens, and the Maintenance of Parish Clerks in Ireland."

XIV. And be it enacted, That it shall be lawful for any of His Majesty's subjects professing the Roman Catholic religion to be a member of any lay body corporate, and to hold any civil office or place of trust or profit therein, and to do any corporate Act, or vote in any corporate election or other proceeding upon taking and subscribing the oath hereby appointed and set forth, instead of the oaths of allegiance, supremacy, and abjuration; and upon taking also such other oath or oaths as may now by law be required to be taken by any persons becoming members of such lay body corporate, or being admitted to hold any office or place of trust or profit within the same.

XV. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to authorize or empower any of His Majesty's subjects professing the Roman Catholic religion, and being a member of any lay body corporate, to give any vote at, or in any manner to join in the election, presentation, or appointment of any person to any ecclesiastical benefice whatsoever, or any office or place belonging to or connected with the United Church of England and Ireland, or the Church of Scotland, being in the gift, patronage, or disposal of such lay corporate body.

XVI. Provided also, and be it enacted, That nothing in this Act contained shall be construed to enable any persons, otherwise than as they are now by law enabled to hold, enjoy, or exercise any office, place, or dignity of, in, or belonging to the United Church of England and Ireland, or the Church of Scotland, or any place or office whatever of, in, or belonging to any of the Ecclesiastical Courts of Judicature of England and Ireland respectively, or any Court of Appeal from or review of the sentences of such Courts, or of, in, or belonging to the Commissary Court of Edinburgh, or

No. 5.
Act 10 G. 4,
c. 7.

of, in, or belonging to any cathedral or collegiate or ecclesiastical establishment or foundation; or any office or place whatever of, in, or belonging to any of the universities of this realm; or any office or place whatever, and by whatever name the same may be called, of, in, or belonging to any of the colleges or halls of the said universities, or the colleges of Eton, Westminster, or Winchester, or any college or school within this realm; or to repeal, abrogate, or in any manner to interfere with any local statute, Ordinance, or rule which is or shall be established by competent authority within any university, college, hall, or school by which Roman Catholics shall be prevented from being admitted thereto, or from residing or taking degrees therein: Provided also, that nothing herein contained shall extend or be construed to extend to enable any person, otherwise than as he is now by law enabled, to exercise any right of presentation to any ecclesiastical benefice whatsoever; or to repeal, vary, or alter in any manner the laws now in force in respect to the right of presentation to any ecclesiastical benefice.

nor to Presentations to Benefices.

XVII. Provided always, and be it enacted, That where any right of presentation to any ecclesiastical benefice shall belong to any office in the gift or appointment of His Majesty, his heirs, or successors, and such office shall be held by a person professing the Roman Catholic religion, the right of presentation shall devolve upon and be exercised by the Archbishop of Canterbury for the time being.

Proviso for Presentations to Benefices connected with Offices.

XVIII. And be it enacted, That it shall not be lawful for any person professing the Roman Catholic religion, directly or indirectly to advise His Majesty, his heirs, or successors, or any person or persons holding or exercising the office of guardians of the United Kingdom, or of Regent of the United Kingdom, under whatever name, style, or title such office may be constituted, or the Lord Lieutenant, or Lord Deputy, or other chief governor or governors of Ireland, touching or concerning the appointment to or disposal of any office or preferment in the United Church of England and Ireland, or in the Church of Scotland; and if any such person shall offend in the premises, he shall, being thereof convicted by due course of law, be deemed guilty of a high misdemeanour, and disabled for ever from holding any office, civil or military, under the Crown.

No Roman Catholic to advise the Crown in the Appointment to Offices in the Established Church.

XIX. And be it enacted, That every person professing the Roman Catholic religion who shall after the commencement of this Act be placed, elected, or chosen in or to the office of mayor, provost, alderman, recorder, bailiff, town clerk, magistrate, councillor, or common councilman, or in or to any office of magistracy or place of trust of employment relating to the Government of any city, corporation, borough, burgh, or district within the United Kingdom of Great Britain and Ireland, shall within One calendar month next before or upon his admission into any of the same respectively, take and subscribe the oath hereinbefore appointed and set forth in the presence of such person or persons respectively as by the charters or usages of the said respective cities, corporations, burghs, boroughs, or districts ought to administer the oath for due execution of the said offices or places respectively; and in default of such in the presence of two Justices of the Peace, Councillors or Magistrates of the said cities, corporations, burghs, boroughs, or

Time and manner of taking Oaths for Corporate Offices.

No. 5.
Act 10 G. 4,
c. 7.

districts, if such there be; or otherwise in the presence of two Justices of the Peace of the respective counties, ridings, divisions, or franchises wherein the said cities, corporations, burghs, boroughs, or districts are; which said oath shall either be entered in a book, roll, or other record to be kept for that purpose, or shall be filed amongst the records of the city, corporation, burgh, borough, or district.

Time and
manner of
taking Oaths
for other
offices.

XX. And be it enacted, That every person professing the Roman Catholic religion, who shall after the commencement of this Act be appointed to any office, or place of trust or profit, under His Majesty; his heirs, or successors, shall, within Three calendar months next before such appointment, or otherwise shall, before he presumes to exercise or enjoy, or in any manner to act in such office or place, take and subscribe the oath hereinbefore appointed and set forth, either in His Majesty's High Court of Chancery or in any of His Majesty's Courts of King's Bench, Common Pleas, or Exchequer, at Westminster or Dublin; or before any Judge of Assize, or in any Court of General or Quarter Sessions of the Peace in Great Britain or Ireland, for the county or place where the person so taking and subscribing the oath shall reside; or in any of His Majesty's Courts of Session, Justiciary, Exchequer, or Jury Court, or in any Sheriff or Stewart Court, or in any Burgh Court, or before the Magistrates and Councillors of any Royal Burgh in Scotland, between the hours of nine in the morning and four in the afternoon; and the proper officer of the Court in which such oath shall be so taken and subscribed shall cause the same to be preserved amongst the records of the Court; and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of Two shillings and sixpence for the same; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

Penalty on
acting in
Offices without
taking the
Oath.

XXI. And be it enacted, That if any person professing the Roman Catholic religion shall enter upon the exercise or enjoyment of any office, or place of trust or profit under His Majesty, or of any other office or franchise, not having in the manner and at the times aforesaid taken and subscribed the oath hereinbefore appointed and set forth, then, and in every such case, such person shall forfeit to His Majesty the sum of Two hundred pounds; and the appointment of such person to the office, place, or franchise so by him held shall become altogether void, and the office, place, or franchise shall be deemed and taken to be vacant to all intents and purposes whatsoever.

Oaths by
Military and
Naval Officers.

XXII. Provided always, That for and notwithstanding anything in this Act contained, the oath hereinbefore appointed and set forth shall be taken by the officers in His Majesty's land and sea service, professing the Roman Catholic religion, at the same times and in the same manner as the oaths and declarations now required by law are directed to be taken, and not otherwise.

No other Oaths
necessary to be
taken by Roman
Catholics.

XXIII. And be it further enacted, That from and after the passing of this Act no oath or oaths shall be tendered to or required to be taken by His Majesty's subjects professing the Roman Catholic religion, for enabling them to hold or enjoy any real or personal property, other than such as may by law be tendered to and required to be taken by His Majesty's other subjects;

and that the oath herein appointed and set forth, being taken and subscribed in any of the Courts, or before any of the persons above mentioned, shall be of the same force and effect, to all intents and purposes, as, and shall stand in the place of, all oaths and declarations required or prescribed by any law now in force for the relief of His Majesty's Roman Catholic subjects from any disabilities, incapacities, or penalties; and the proper officer of any of the Courts above mentioned, in which any person professing the Roman Catholic religion shall demand to take and subscribe the oath herein appointed and set forth, is hereby authorized and required to administer the said oath to such person, and such officer shall make, sign, and deliver a certificate of such oath having been duly taken and subscribed, as often as the same shall be demanded of him, upon payment of One shilling; and such certificate shall be sufficient evidence of the person therein named having duly taken and subscribed such oath.

XXIV. And whereas the Protestant Episcopal Church of England and Ireland, and the doctrine, discipline, and government thereof, and likewise the Protestant Presbyterian Church of Scotland, and the doctrine, discipline, and government thereof, are, by the respective Acts of Union of England and Scotland, and of Great Britain and Ireland, established permanently and inviolably; and whereas the right and title of Archbishops to their respective provinces, of Bishops to their sees, and of Deans to their deaneries, as well in England as in Ireland, have been settled and established by law; Be it therefore enacted, That if any person after the commencement of this Act other than the person thereunto authorized by law, shall assume or use the name, style, or title of Archbishop of any province, Bishop of any bishopric, or Dean of any deanery, in England or Ireland, he shall for every such offence forfeit and pay the sum of One hundred pounds.

XXV. And be it further enacted, That if any person holding any judicial or civil office, or any mayor, provost, jurat, bailiff, or other corporate officer, shall, after the commencement of this Act, resort to or be present at any place or public meeting for religious worship in England or in Ireland, other than that of the United Church of England and Ireland, or in Scotland, other than that of the Church of Scotland as by law established, in the robe, gown, or other peculiar habit of his office, or attend with the ensign or insignia, or any part thereof, of or belonging to such his office, such person shall, being thereof convicted by due course of law, forfeit such office, and pay for every such offence the sum of One hundred pounds.

XXVI. And be it further enacted, That if any Roman Catholic ecclesiastic, or any member of any of the orders, communities, or societies hereinafter mentioned, shall, after the commencement of this act, exercise any of the rites or ceremonies of the Roman Catholic religion, or wear the habits of his order, save within the usual places of worship of the Roman Catholic religion, or in private houses, such ecclesiastic or other person shall, being thereof convicted by due course of law, forfeit for every such offence the sum of Fifty pounds.

XXVII. Provided always, and be it enacted, That nothing in this Act contained shall in any manner repeal, alter, or affect any provision of an Act made in the Fifth year of His present Majesty's

No. 5.
Act 10 G. 4,
c. 7.

Titles to Sees,
&c., not to be
assumed by
Roman
Catholics.

Judicial or
other Officers
not to attend
with Insignia of
Office at any
Place of
Worship
other than
Established
Church.

Penalty on
Roman
Catholic
Ecclesiastics
officiating
except in
their usual
Places of
Worship.

Not to repeal
Statute
5 Geo. 4, c. 25.

No. 5.
Act 10 G. 4,
c. 7.

For the Sup-
pression of
Jesuits and
other Religious
Orders of the
Church of
Rome.

Jesuits, &c.
coming into
the Realm, to
be banished.

Natural-born
Subjects, being
Jesuits, may
return into the
Kingdom and
be registered.

reign, entitled, "An Act to repeal so much of an Act passed in the Ninth year of the reign of King William the Third, as relates to Burials in suppressed Monasteries, Abbeys, or Convents in Ireland, and to make further provision with respect to the Burial in Ireland of Persons dissenting from the Established Church."

XXVIII. And whereas Jesuits and members of other religious orders, communities, or societies of the Church of Rome, bound by monastic or religious vows, are resident within the United Kingdom; and it is expedient to make provision for the gradual suppression and final prohibition of the same therein; Be it therefore enacted, That every Jesuit, and every member of any other religious order, community, or society of the Church of Rome, bound by monastic or religious vows, who at the time of the commencement of this Act shall be within the United Kingdom, shall, within Six calendar months after the commencement of this Act deliver to the Clerk of the Peace of the county or place where such person shall reside, or to his deputy, a notice or statement, in the form and containing the particulars required to be set forth in the Schedule to this Act annexed; which notice or statement such Clerk of the Peace, or his deputy, shall preserve and register amongst the records of such county or place, without any fee, and shall forthwith transmit a copy of such notice or statement to the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland, if such person shall reside in Ireland, or if in Great Britain, to one of his Majesty's principal Secretaries of State; and in case any person shall offend in the premises, he shall forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement as is hereinbefore required, the sum of Fifty pounds.

XXIX. And be it further enacted, That if any Jesuit, or member of any such religious order, community, or society as aforesaid, shall, after the commencement of this Act, come into this realm, he shall be deemed and taken to be guilty of a misdemeanour, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

XXX. Provided always, and be it further enacted, That in case any natural-born subject of this realm, being at the time of the commencement of this Act a Jesuit, or other member of any such religious order, community, or society as aforesaid, shall, at the time of the commencement of this Act, be out of the realm, it shall be lawful for such person to return or to come into this realm; and upon such his return or coming into the realm, he is hereby required, within the space of Six calendar months after his first returning or coming into the United Kingdom, to deliver such notice or statement to the Clerk of the Peace of the county or place where he shall reside, or his deputy, for the purpose of being so registered and transmitted, as hereinbefore directed; and in case any such person shall neglect or refuse so to do, he shall for such offence forfeit and pay to His Majesty, for every calendar month during which he shall remain in the United Kingdom without having delivered such notice or statement, the sum of Fifty pounds.

XXXI. Provided also, and be it further enacted, That, notwith-

standing anything hereinbefore contained, it shall be lawful for any one of His Majesty's principal Secretaries of State, being a Protestant, by a licence in writing, signed by him, to grant permission to any Jesuit, or member of any such religious order, community, or society as aforesaid, to come into the United Kingdom, and to remain therein for such period as the said Secretary of State shall think proper, not exceeding in any case the space of Six calendar months; and it shall also be lawful for any of His Majesty's principal Secretaries of State to revoke any licence so granted before the expiration of the time mentioned therein, if he shall so think fit; and if any such person to whom such licence shall have been granted shall not depart from the United Kingdom within Twenty days after the expiration of the time mentioned in such licence, or if such licence shall have been revoked, then within Twenty days after notice of such revocation shall have been given to him, every person so offending shall be deemed guilty of a misdemeanour, and, being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

XXXII. And be it further enacted, That there shall annually be laid before both Houses of Parliament an account of all such licences as shall have been granted for the purpose hereinbefore mentioned within the Twelve months then next preceding.

XXXIII. And be it further enacted, That in case any Jesuit, or member of any such religious order, community, or society as aforesaid, shall, after the commencement of this Act, within any part of the United Kingdom, admit any person to become a regular ecclesiastic, or brother, or member of any such religious order, community, or society, or be aiding or consenting thereto, or shall administer, or cause to be administered, or be aiding or assisting in the administering or taking any oath, vow, or engagement purporting or intended to bind the person taking the same to the rules, ordinances, or ceremonies of such religious order, community, or society, every person offending in the premises in England or Ireland shall be deemed guilty of a misdemeanour, and in Scotland shall be punished by fine and imprisonment.

XXXIV. And be it further enacted, That in case any person shall, after the commencement of this Act, within any part of this United Kingdom, be admitted or become a Jesuit, or brother or member of any other such religious order, community, or society as aforesaid, such person shall be deemed and taken to be guilty of a misdemeanour, and being thereof lawfully convicted, shall be sentenced and ordered to be banished from the United Kingdom for the term of his natural life.

XXXV. And be it further enacted, That in case any person sentenced and ordered to be banished under the provisions of this Act shall not depart from the United Kingdom within Thirty days after the pronouncing of such sentence and order, it shall be lawful for His Majesty to cause such person to be conveyed to such place out of the United Kingdom as His Majesty, by the advice of His Privy Council, shall direct.

XXXVI. And be it further enacted, That if any offender who shall be so sentenced and ordered to be banished in manner afore-

No. 5.
Act 10 G. 4,
c. 2.

The Principal Secretaries of State may grant Licences to Jesuits, &c., to come into the Kingdom; and may revoke the same.

Accounts of Licences to be laid before Parliament.

Admitting Persons as Members of such Religious Orders deemed a Misdemeanour.

Any Person so admitted a Member of a Religious Order, to be banished.

The Party offending may be banished by His Majesty;

and if at large after Three months, may

No. 5.
Act 10 G. 4,
c. 7.

be Transported
for Life.
Not to extend
to Female
Societies.

Penalties,
how to be
recovered.

Act may be
altered this
Session.

Commence-
ment of Act.

said shall, after the end of Three calendar months from the time such sentence and order hath been pronounced, be at large within any part of the United Kingdom, without some lawful cause, every such offender being so at large as aforesaid, on being thereof lawfully convicted, shall be transported to such place as shall be appointed by His Majesty, for the term of his natural life.

XXXVII. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, in any manner to affect any religious order, community, or establishment consisting of females bound by religious or monastic vows.

XXXVIII. And be it further enacted, That all penalties imposed by this Act shall and may be recovered as a debt due to His Majesty, by information to be filed in the name of His Majesty's Attorney-General for England or for Ireland, as the case may be, in the Courts of Exchequer in England or Ireland respectively, or in the name of His Majesty's Advocate-General in the Court of Exchequer in Scotland.

XXXIX. And be it further enacted, That this Act, or any part thereof, may be repealed, altered, or varied at any time within this present Session of Parliament.

XL. And be it it further enacted, That this Act shall commence and take effect at the expiration of Ten days from and after the passing thereof.

No. 5.
Act 10 G. 4,
c. 7.

SCHEDULE TO WHICH THIS ACT REFERS.

Date of the Registry.	Name of the Party.	Age.	Place of Birth.	Name of the Order, Community, or Society whereof he is a Member.	Name and usual Residence of the next immediate Superior of the Order, Community, or Society.	Usual Place of Residence of the Party.

No. 6.
Act 2 & 3
W. 4, c. 71.

No. 6.—2 & 3 Wm. 4, ch. 71. *An Act for shortening the Time of Prescription in certain Cases.* (1st August, 1832.)⁴

Claims to
Right of
Common and
other profits
à prendre,
not to be
defeated after
thirty years'
enjoyment
by showing
the com-
mencement;

after sixty
years' enjoy-
ment the
right to be
absolute,
unless had by
consent or
agreement.

In Claims of
Right of Way
or other
Easement, the
periods to be
twenty years
and forty years.

WHEREAS the expression "Time Immemorial, or Time whereof the Memory of Man runneth not to the contrary," is now by the law of England in many cases considered to include and denote the whole period of time from the reign of King Richard the First, whereby the title to matters that have been long enjoyed is sometimes defeated by showing the commencement of such enjoyment, which is in many cases productive of inconvenience and injustice; for remedy thereof be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that no claim which may be lawfully made at the common law, by custom, prescription, or grant, to any right of common or other profit or benefit to be taken and enjoyed from or upon any land of our Sovereign Lord the King, his heirs or successors, or any land being parcel of the Duchy of Lancaster or of the Duchy of Cornwall, or of any ecclesiastical or lay person, or body corporate, except such matters and things as are herein specially provided for, and except tithes, rent, and services, shall, where such right, profit, or benefit shall have been actually taken and enjoyed by any person claiming right thereto without interruption for the full period of thirty years, be defeated or destroyed by showing only that such right, profit, or benefit was first taken or enjoyed at any time prior to such period of thirty years, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated; and when such right, profit, or benefit shall have been so taken and enjoyed, as aforesaid, for the full period of sixty years, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was taken and enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

II. And be it further enacted, That no claim which may be lawfully made at the common law, by custom, prescription, or grant, to any way or other easement, or to any watercourse, or the use of any water, to be enjoyed or derived upon, over, or from any land or water of our said Lord the King, his heirs or successors, or being parcel of the Duchy of Lancaster or of the Duchy of Cornwall, or being the property of any ecclesiastical or lay person, or body corporate, when such way or other matter as herein last before mentioned shall have been actually enjoyed by any person claiming right thereto without interruption for the full period of twenty years, shall be defeated or destroyed by showing only that such way or other matter was first enjoyed at any time prior to such period of twenty years, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated; and where such way or other matter as herein last before mentioned shall have been so enjoyed, as aforesaid, for the full period of forty years, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some consent or agreement expressly given or made for that purpose by deed or writing.

III. And be it further enacted, That when the access and use of light to and for any dwelling-house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

indefeasible, unless shown to have

IV. And be it further enacted, That each of the respective periods of years hereinbefore mentioned shall be deemed and taken to be the period next before some suit or action wherein the claim or matter to which such period may relate, shall have been or shall be brought into question, and that no Act or other matter shall be deemed to be an interruption, within the meaning of this statute, unless the same shall have been or shall be submitted to, or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof, and of the person making or authorizing the same to be made.

V. And be it further enacted, That in all actions upon the case and other pleadings, wherein the party claiming may now by law allege his right generally, without averring the existence of such right from time immemorial, such general allegation shall still be deemed sufficient, and if the same shall be denied, all and every the matters in this Act mentioned and provided, which shall be applicable to the case, shall be admissible in evidence to sustain or rebut such allegation; and that in all pleadings to actions of trespass, and in all other pleadings wherein before the passing of this Act it would have been necessary to allege the right to have existed from time immemorial, it shall be sufficient to allege the enjoyment thereof, as of right by the occupiers of the tenement in respect whereof the same is claimed for, and during such of the periods mentioned in this Act as may be applicable to the case, and without claiming in the name or right of the owner of the fee, as is now usually done; and if the other party shall intend to rely on any proviso, exception, incapacity, disability, contract, agreement, or other matter hereinbefore mentioned, or on any cause or matter of fact or of law not inconsistent with the simple fact of enjoyment, the same shall be specially alleged and set forth in answer to the allegation of the party claiming, and shall not be received in evidence on any general traverse or denial of such allegation.

VI. And be it further enacted, That in the several cases mentioned in and provided for by this Act, no presumption shall be allowed or made in favour or support of any claim, upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years than for such period or number mentioned in this Act as may be applicable to the case and to the nature of the claim.

VII. Provided also, That the time during which any person otherwise capable of resisting any claim to any of the matters before mentioned shall have been or shall be an infant, idiot, non compos mentis, feme covert, or tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted, until abated by the death of any party or parties thereto, shall be excluded in the computation of the periods

No. 6.
Act 2 & 3
W. 4, c. 71.

Claim to the use of light enjoyed for twenty years been by consent.

Before-mentioned periods to be deemed those next before suits for claims to which such periods relate.

In Actions on the case the Claimant may allege his right generally, as at present.

In Pleas to Trespass and other pleadings, where party used to allege his claim from time immemorial, the period mentioned in this Act may be alleged; and exceptions or other matters to be replied specially.

Restricting the presumption to be allowed in support of claims herein provided for.

Proviso for Infants, &c.

No. 6.
Act 2 & 3
W. 4, c. 71.

What time
to be excluded
in computing
the term of
forty years
appointed by
this Act.

Not to extend
to Scotland
or Ireland.
Commence-
ment of Act.

Act may be
amended.

hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

VIII. Provided always, and be it further enacted, That when any land or water upon, over, or from which any such way or other convenient watercourse or use of water shall have been or shall be enjoyed or derived hath been or shall be held under or by virtue of any term of life, or any term of years exceeding Three years from the granting thereof, the time of the enjoyment of any such way or other matter as herein last before mentioned, during the continuance of such term, shall be excluded in the computation of the said period of Forty years, in case the claim shall within Three years next after the end, or sooner determination of such term be resisted by any person entitled to any reversion expectant on the determination thereof.

IX. And be it further enacted, That this Act shall not extend to Scotland or Ireland.

X. And be it further enacted, That this Act shall commence and take effect on the first day of Michaelmas term now next ensuing.

XI. And be it further enacted, That this Act may be amended, altered, or repealed during this present session of Parliament.

No. 7.
Act 3 & 4
W. 4, c. 27.

Meaning of the
words in the
Act.

"Land."

"Rent."

Person through
whom another
claims.

No. 7.—3. & 4 Wm. 4, ch. 27. *An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.* (24th July, 1833.)

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the words and expressions herein-after mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows: (that is to say,) the word "land" shall extend to manors, messuages, and all other corporeal hereditaments whatsoever, and also to tithes (other than tithes belonging to a spiritual or eleemosynary corporation sole), and also to any share, estate, or interest in them or any of them, whether the same shall be a freehold or chattel interest, and whether freehold or copyhold, or held according to any other tenure; and the word "rent" shall extend to all heriots, and to all services and suits for which a distress may be made, and to all annuities and periodical sums of money charged upon or payable out of any land (except moduses or compositions belonging to a spiritual or eleemosynary corporation sole); and the person through whom another person is said to claim shall mean any person by, through, or under, or by the Act of whom the person so claiming became entitled to the estate or interest claimed, as heir, issue in tail, tenant by the courtesy of England, tenant in dower, successor, special or general occupant, executor, administrator, legatee, husband, assignee, appointee, devisee, or otherwise, and also any person who was entitled to an estate or interest to which the person so claiming, or

some person through whom he claims, became entitled as Lord by escheat; and the word "person" shall extend to a body politic, corporate, or collegiate, and to a class of creditors or other persons, as well as an individual; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And be it further enacted, That after the Thirty-first day of December, One thousand eight hundred and thirty-three, no person shall make an entry or distress, or bring an action to recover any land or rent, but within Twenty years next after the time at which the right to make such entry or distress, or to bring such action, shall have first accrued to some person through whom he claims, or if such right shall not have accrued to any person through whom he claims, then within Twenty years next after the time at which the right to make such entry or distress, or to bring such action, shall have first accrued to the person making or bringing the same.

III. And be it further enacted, That in the construction of this Act the right to make an entry or distress, or bring an action to recover any land or rent shall be deemed to have first accrued at such time as hereinafter is mentioned; (that is to say,) when the person claiming such land or rent, or some person through whom he claims, shall, in respect of the estate or interest claimed, have been in possession or in receipt of the profits of such land, or in receipt of such rent, and shall while entitled thereto have been dispossessed, or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such disposition or discontinuance of possession, or at the last time at which any such profits or rent were or was so received; and when the person claiming such land or rent shall claim the estate or interest of some deceased person, who shall have continued in such possession or receipt in respect of the same estate or interest until the time of his death, and shall have been the last person entitled to such estate or interest, who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such land or rent, shall claim in respect of an estate or interest in possession granted, appointed, or otherwise assured by any instrument (other than a will) to him, or some person through whom he claims, by a person being in respect of the same estate or interest in the possession or receipt of the profits of the land, or in the receipt of the rent, and no person entitled under such instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such instrument; and when the estate or interest claimed shall have been an estate or interest in reversion or remainder, or other future estate or interest, and no person shall have obtained the possession or receipt of the profits of such land, or the receipt of such rent in respect of such estate or interest, then such right shall be deemed to have first accrued at the time at which such estate or interest became an estate or interest in possession; and when the person claiming such

No. 7.
Act 3 & 4
W. 4, c. 27.

"Persons"
Number and
Gender.

No land or rent
to be recovered
but within
twenty years
after the right
of action ac-
crued to the
Claimant or
some person
whose estate
he claims.

When the
right shall be
deemed to have
accrued; in the
case of an
Estate in Pos-
session;

on Dispos-
session;

on Abatement
or Death;

on Alienation;

in case of future
Estate;

in case of
Forfeiture or
Breach of
Condition.

No. 7.
Act 3 & 4
W. 4, c. 27.

Where advantage of forfeiture is not taken by Remainderman, he shall have a new right when his estate comes into possession.

Reversioner to have a new right.

An Administrator to claim as if he obtained the estate without interval after death of deceased.

In the case of a Tenant at Will the right shall be deemed to have accrued at the end of one year.

No person after a tenancy from year to year to have any right but from the end of the first year or last payment of rent.

Where rent amounting to 20s., reserved by a lease in

land or rent, or the person through whom he claims, shall have become entitled by reason of any forfeiture or breach of condition, then such right shall be deemed to have first accrued when such forfeiture was incurred, or such condition was broken.

IV. Provided always, That when any right to make an entry or distress, or to bring an action to recover any land or rent, by reason of any forfeiture or breach of condition, shall have first accrued in respect of any estate or interest in reversion or remainder, and the land or rent shall not have been recovered by virtue of such right, the right to make an entry or distress or bring an action to recover such land or rent shall be deemed to have first accrued in respect of such estate or interest at the time when the same shall have become an estate or interest in possession, as if no such forfeiture or breach of condition had happened.

V. Provided also, That a right to make an entry or distress or to bring an action to recover any land or rent shall be deemed to have first accrued, in respect of an estate or interest in reversion, at the time at which the same shall have become an estate or interest in possession by the determination of any estate or estates in respect of which such land shall have been held, or the profits thereof or such rent shall have been received, notwithstanding the person claiming such land, or some person through whom he claims, shall at any time previously to the creation of the estate or estates which shall have determined have been in possession or receipt of the profits of such land, or in receipt of such rent.

VI. And be it further enacted, That for the purposes of this Act an administrator claiming the estate or interest of the deceased person of whose chattels he shall be appointed administrator shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the grant of the letters of administration.

VII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent, as tenant at will, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress, or bring an action to recover such land or rent, shall be deemed to have first accrued, either at the determination of such tenancy or at the expiration of one year next after the commencement of such tenancy, at which time such tenancy shall be deemed to have determined: Provided always that no mortgagor or cestuique trust shall be deemed to be a tenant at will within the meaning of this clause, to his mortgagee or trustee.

VIII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent as tenant from year to year or other period, without any lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims, to make an entry or distress or to bring an action to recover such land or rent, shall be deemed to have first accrued at the determination of the first of such years, or other periods, or at the last time when any rent payable in respect of such tenancy shall have been received (which shall last happen).

IX. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any land, or in receipt of any rent by virtue of a lease in writing by which a rent amount-

ing to the yearly sum of Twenty shillings or upwards, shall be reserved, and the rent reserved by such lease shall have been received by some person wrongfully claiming to be entitled to such land or rent in reversion immediately expectant on the determination of such lease, and no payment in respect of the rent reserved by such lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such land or rent subject to such lease, or of the person through whom he claims to make an entry or distress or to bring an action after the determination of such lease, shall be deemed to have first accrued at the time at which the rent reserved by such lease was first so received by the person wrongfully claiming as aforesaid; and no such right shall be deemed to have first accrued upon the determination of such lease to the person rightfully entitled.

X. And be it further enacted, That no person shall be deemed to have been in possession of any land within the meaning of this Act merely by reason of having made an entry thereon.

XI. And be it further enacted, that no continual or other claim upon or near any land shall preserve any right of making an entry or distress or of bringing an action.

XII. And be it further enacted, That when any one or more of several persons entitled to any land or rent as coparceners, joint tenants, or tenants in common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such land or of the profits thereof, or of such rent, for his or their own benefit, or for the benefit of any person or persons other than the person or persons entitled to the other share or shares of the same land or rent, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last-mentioned person or persons, or any of them.

XIII. And be it further enacted, That when a younger brother or other relation of the person entitled as heir to the possession or receipt of the profits of any land, or to the receipt of any rent, shall enter into the possession or receipt thereof, such possession or receipt shall not be deemed to be the possession or receipt of or by the person entitled as heir.

XIV. Provided always, and be it further enacted, That when any acknowledgment of the title of the person entitled to any land or rent shall have been given to him or his agent in writing, signed by the person in possession or in receipt of the profits of such land or in receipt of such rent, then such possession or receipt of or by the person by whom such acknowledgment shall have been given shall be deemed, according to the meaning of this Act, to have been the possession or receipt of or by the person to whom or to whose agent such acknowledgment shall have been given at the time of giving the same, and the right of such last-mentioned person or any person claiming through him, to make an entry or distress or bring an action to recover such land or rent, shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments, if more than one, was given.

XV. Provided also, and be it further enacted, That when no such acknowledgment as aforesaid shall have been given before the passing of this Act, and the possession or receipt of the profits of the land, or the receipt of the rent, shall not at the time of the

No. 7.
Act 3 & 4
W. 4, c. 27.

writing shall have been wrongfully received on, right to accrue on the determination of the lease.

A mere entry not to be deemed possession. No right to be preserved by continual claim.

Possession of one coparcener, &c., not to be the possession of the others.

Possession of younger brother not to be the possession of the heir.

Acknowledgment in writing given to the person entitled, or his agent, to be equivalent to possession or receipt of rent.

Where possession is not adverse at the time of passing the Act, the right shall not

No. 7.
Act 3 & 4
W. 4, c. 27.

be barred until
the end of
five years
afterwards.

Persons under
disability of
infancy, lunacy,
coverture, or
beyond seas, and
their representa-
tives, to be
allowed ten
years from the
termination of
their disability
or death.

But no action,
&c., shall be
brought beyond
forty years
after the right
of action
accrued.

No further time
to be allowed
for a succession
of disabilities.

Scotland,
Ireland, and the
adjacent Islands
not to be
deemed
beyond seas.

When the right
to an estate in
possession is
barred, the
right of the
same person to
future estates
shall also be
barred.

passing of this Act have been adverse to the right or title of the person claiming to be entitled thereto, then such person or the person claiming through him may, notwithstanding the period of Twenty years hereinbefore limited shall have expired, make an entry or distress or bring an action to recover such land or interest at any time within Five years next after the passing of this Act.

XVI. Provided always, and be it further enacted, That if at the time at which the right of any person to make an entry or distress or bring an action to recover any land or rent shall have first accrued as aforesaid such person shall have been under any of the disabilities hereinafter mentioned; (that is to say), infancy, coverture, idiotcy, lunacy, unsoundness of mind, or absence beyond seas, then such person or the person claiming through him, may, notwithstanding the period of Twenty years hereinbefore limited shall have expired, make an entry or distress or bring an action to recover such land or rent at any time within Ten years next after the time at which the person to whom such right shall first have accrued as aforesaid shall have ceased to be under any such disability, or shall have died (which shall have first happened).

XVII. Provided nevertheless, and be it further enacted, That no entry, distress, or action shall be made or brought by any person who, at the time at which his right to make an entry or distress or to bring an action to recover any land or rent shall have first accrued, shall be under any of the disabilities hereinbefore mentioned, or by any person claiming through him, but within Forty years next after the time at which such right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such Forty years, or although the term of Ten years from the time at which he shall have ceased to be under any such disability or have died, shall not have expired.

XVIII. Provided always, and be it further enacted, That when any person shall be under any of the disabilities hereinbefore mentioned at the time at which his right to make an entry or distress or to bring an action to recover any land or rent shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an entry or distress or to bring an action to recover such land or rent beyond the said period of Twenty years next after the right of such person to make an entry or distress or to bring an action to recover such land or rent shall have first accrued, or the said period of Ten years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

XIX. And be it further enacted, That no part of the United Kingdom of Great Britain and Ireland, nor the Islands of Man, Guernsey, Jersey, Alderney, or Sark, nor any island adjacent to any of them (being part of the dominions of His Majesty) shall be deemed to be beyond seas within the meaning of this Act.

XX. And be it further enacted, That when the right of any person to make an entry or distress or bring an action to recover any land or rent to which he may have been entitled for an estate or interest in possession shall have been barred by the determination of the period hereinbefore limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other estate, interest, right, or possibility,

in reversion, remainder, or otherwise, in or to the same land or rent, no entry, distress, or action shall be made or brought by such person, or any person claiming through him, to recover such land or rent, in respect of such other estate, interest, right, or possibility, unless in the mean time such land or rent shall have been recovered by some person entitled to an estate, interest, or right which shall have been limited or taken effect after or in defeasance of such estate or interest in possession.

XXI. And be it further enacted, That when the right of a tenant in tail of any land or rent, to make an entry or distress or to bring an action to recover the same shall have been barred by reason of the same not having been made or brought within the period hereinbefore limited, which shall be applicable in such case, no such entry, distress, or action shall be made or brought by any person claiming any estate, interest, or right which such tenant in tail might lawfully have barred.

XXII. And be it further enacted, That when a tenant in tail of any land or rent, entitled to recover the same, shall have died before the expiration of the period hereinbefore limited, which shall be applicable in such case, for making an entry or distress or bringing an action to recover such land or rent, no person claiming any estate, interest, or right which such tenant in tail might lawfully have barred, shall make an entry or distress or bring an action to recover such land or rent but within the period during which, if such tenant in tail had so long continued to live, he might have made such entry or distress or brought such action.

XXIII. And be it further enacted, That when a tenant in tail of any land or rent shall have made an assurance thereof, which shall not operate to bar an estate or estates to take effect after or in defeasance of his estate tail, and any person shall by virtue of such assurance, at the time of the execution thereof, or at any time afterwards, be in possession or receipt of the profits of such land, or in the receipt of such rent, and the same person, or any other person whatsoever (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeasance of the estate tail), shall continue or be in such possession or receipt for the period of Twenty years next after the commencement of the time at which such assurance, if it had then been executed by such tenant in tail or the person who would have been entitled to his estate tail, if such assurance had not been executed, would, without the consent of any other person, have operated to bar such estate or estates as aforesaid, then at the expiration of such period of Twenty years such assurance shall be and be deemed to have been effectual as against any person claiming any estate, interest, or right to take effect after or in defeasance of such estate tail.

XXIV. And be it further enacted, That after the said Thirty-first day of December, One thousand eight hundred and thirty-three, no person claiming any land or rent in equity shall bring any suit to recover the same but within the period during which, by virtue of the provisions hereinbefore contained, he might have made an entry or distress, or brought an action to recover the same respectively if he had been entitled at law to such estate, interest, or right, in or to the same as he shall claim therein in equity.

XXV. Provided always, and be it further enacted, That when any

No. 7.
Act 3 & 4
W. 4, c. 27.

Where Tenant in Tail is barred, Remaindermen, whom he might have barred, shall not recover.

Possession adverse to a Tenant in Tail shall run on against the Remaindermen whom he might have barred.

Where there shall have been possession under an assurance, by a Tenant in Tail, which shall not bar the Remainders, they shall be barred at the end of twenty years after the time when the assurance, if then executed, would have barred them.

No suit in equity to be brought after the time when the Plaintiff, if entitled at law, might have brought an action.

In cases of express trust,

No. 7.
Act 3 & 4
W. 4, c. 27.

the right shall not be deemed to have accrued until a conveyance to a purchaser.

In cases of fraud no time shall run whilst the fraud remains concealed.

Saving the jurisdiction of equity on the ground of acquiescence or otherwise.

Mortgagor to be barred at the end of twenty years from the time when the Mortgagee took possession, or from the last written acknowledgment.

land or rent shall be vested in a trustee upon any express trust, the right of the cestuique trust, or any person claiming through him, to bring a suit against the trustee, or any person claiming through him to recover such land or rent, shall be deemed to have first accrued, according to the meaning of this Act, at and not before the time at which such land or rent shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser and any person claiming through him.

XXVI. And be it further enacted, That in every case of a concealed fraud the right of any person to bring a suit in equity for the recovery of any land or rent of which he or any person through whom he claims may have been deprived by such fraud, shall be deemed to have first accrued at and not before the time at which such fraud shall or with reasonable diligence might have been first known or discovered; provided that nothing in this clause contained shall enable any owner of lands or rents to have a suit in equity for the recovery of such lands or rents, or for setting aside any conveyance of such lands or rents, on account of fraud against any *bonâ fide* purchaser for valuable consideration who has not assisted in the commission of such fraud, and who at the time that he made the purchase did not know and had no reason to believe that any such fraud had been committed.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall be deemed to interfere with any rule or jurisdiction of Courts of Equity in refusing relief on the ground of acquiescence or otherwise to any person whose right to bring a suit may not be barred by virtue of this Act.

XXVIII. And be it further enacted, That when a mortgagee shall have obtained the possession or receipt of the profits of any land, or the receipt of any rent, comprised in his mortgage, the mortgagor, or any person claiming through him, shall not bring a suit to redeem the mortgage, but within Twenty years next after the time at which the mortgagee obtained such possession or receipt, unless in the mean time an acknowledgment of the title of the mortgagor or of his right of redemption shall have been given to the mortgagor, or some person claiming his estate, or to the agent of such mortgagor or person, in writing signed by the mortgagee, or the person claiming through him; and in such case no such suit shall be brought but within Twenty years next after the time at which such acknowledgment, or the last of such acknowledgments if more than one was given; and when there shall be more than one mortgagor, or more than one person claiming through the mortgagor or mortgagors, such acknowledgment, if given to any of such mortgagors or persons, or his or their agent, shall be as effectual as if the same had been given to all such mortgagors or persons; but where there shall be more than one mortgagee or more than one person claiming the estate or interest of the mortgagee or mortgagees, such acknowledgment, signed by one or more of such mortgagees or persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the mortgage money or land or rent by, from, or under him or them, and any person or persons entitled to any estate or estates, interest or interests, to take effect after or in defeasance of his or their estate or estates, interest or interests, and shall not

operate to give to the mortgagor or mortgagors a right to redeem the mortgage as against the person or persons entitled to any other undivided or divided part of the money or land or rent; and where such of the mortgagees or persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the land or rent comprised in the mortgage, or some estate or interest therein, and not to any ascertained part of the mortgaged money, the mortgagor or mortgagors shall be entitled to redeem the same divided part of the land or rent on payment with interest, of the part of the mortgage money which shall bear the same proportion to the whole of the mortgage money as the value of such divided part of the land or rent shall bear to the value of the whole of the land or rent comprised in the mortgage.

XXIX. Provided always, and be it further enacted, That it shall be lawful for any archbishop, bishop, dean, prebendary, parson, vicar, master of hospital, or other spiritual or eleemosynary corporation sole, to make an entry or distress or to bring an action or suit to recover any land or rent within such period as hereinafter is mentioned next after the time at which the right of such corporation sole, or of his predecessor, to make such entry or distress, or bring such action or suit shall first have accrued; (that is to say,) the period during which two persons in succession shall have held the office or benefice in respect whereof such land or rent shall be claimed, and Six years after a third person shall have been appointed thereto, if the times of such two incumbencies and such term of Six years taken together shall amount to the full period of Sixty years; and if such times taken together shall not amount to the full period of Sixty years, then during such further number of years in addition to such Six years as will, with the time of the holding of such two persons and such Six years, make up the full period of Sixty years; and after the said Thirty-first day of December, One thousand eight hundred and thirty-three, no such entry, distress, action, or suit shall be made or brought at any time beyond the determination of such period.

XXX. And be it further enacted, That after the said Thirty-first day of December, One thousand eight hundred and thirty-three, no person shall bring any quare impedit or other action, or any suit to enforce a right to present to or bestow any church, vicarage, or other ecclesiastical benefice, as the patron thereof, after the expiration of such period as hereinafter is mentioned; (that is to say,) the period during which three clerks in succession shall have held the same, all of whom shall have obtained possession thereof adversely to the right of presentation or gift of such person, or of some person through whom he claims, if the times of such incumbencies taken together shall amount to the full period of sixty years; and if the times of such incumbencies shall not together amount to the full period of sixty years, then after the expiration of such further time as with the times of such incumbencies will make up the full period of sixty years.

XXXI. Provided always, and be it further enacted, That when on the avoidance, after a clerk shall have obtained possession of an ecclesiastical benefice adversely to the right of presentation or gift of the patron thereof, a clerk shall be presented or collated thereto by His Majesty or the ordinary by reason of a lapse, such last-mentioned clerk shall be deemed to have obtained possession ad-

No. 7.
Act 3 & 4
W. 4, c. 27.

No lands or rents to be recovered by ecclesiastical or eleemosynary corporations sole but within two incumbencies and six years, or sixty years.

No advowson to be recovered but within three incumbencies or sixty years.

Incumbencies after lapse to be reckoned within the period, but not incumbencies after promotions to bishoprics.

No. 7.
Act 3 & 4
W. 4, c. 27.

When person
claiming an
advowson in
remainder, &c.,
after an estate
tail shall be
barred.

No advowson to
be recovered
after 100 years.

At the end of
the period of
limitation, the
right of the
party out of
possession to be
extinguished.

Receipt of rent
to be deemed
receipt of
profits.

Real and mixed
actions abo-
lished after the
31st December,
1834.

versely to the right of presentation or gift of such patron as aforesaid; but when a clerk shall have been presented by His Majesty upon the avoidance of a benefice in consequence of the incumbent thereof having been made a bishop, the incumbency of such clerk shall, for the purposes of this Act, be deemed a continuation of the incumbency of the clerk so made bishop.

XXXII. And be it further enacted, That in the construction of this Act every person claiming a right to present to or bestow any ecclesiastical benefice as patron thereof, by virtue of any estate, interest, or right which the owner of an estate tail in the advowson might have barred, shall be deemed to be a person claiming through the person entitled to such estate tail, and the right to bring any quare impedit, action or suit, shall be limited accordingly.

XXXIII. Provided always, and be it further enacted, That after the said Thirty-first day of December, One thousand eight hundred and thirty-three, no person shall bring any quare impedit, or other action or any suit to enforce a right to present to or bestow any ecclesiastical benefice, as the patron thereof, after the expiration of One hundred years from the time at which a clerk shall have obtained possession of such benefice adversely to the right of presentation or gift of such person, or of some person through whom he claims, or of some person entitled to some preceding estate or interest, or undivided share or alternate right of presentation or gift, held or derived under the same title, unless a clerk shall subsequently have obtained possession of such benefice on the presentation or gift of the person so claiming, or of some person through whom he claims, or of some other person entitled in respect of an estate, share, or right held or derived under the same title.

XXXIV. And be it further enacted, That at the determination of the period limited by this Act to any person for making an entry or distress, or bringing any writ of quare impedit or other action or suit, the right and title of such person to the land, rent, or advowson for the recovery whereof such entry, distress, action, or suit respectively might have been made or brought within such period, shall be extinguished.

XXXV. And be it further enacted, That the receipt of the rent payable by any tenant from year to year, or other lessee, shall, as against such lessee or any person claiming under him (but subject to the lease), be deemed to be the receipt of the profits of the land for the purposes of this Act.

XXXVI. And be it further enacted, That no writ of right patent writ of right quia dominus remisit curiam, writ of right in capite, writ of right in London, writ of right close, writ of right de rationabili parte, writ of right of advowson, writ of right upon disclaimer, writ de rationabilibus divisis, writ of right of ward, writ de consuetudinibus et servitiis, writ of cessavit, writ of escheat, writ of quo jure, writ of secta ad molendinum, writ de essendo quietum de theolonio, writ of ne injuste vexes, writ of mesne, writ of quod permittat, writ of formedon in descender, in remainder, or in reverter, writ of assize of novel disseisin, nuisance, darrein-presentment, juris utrum, or mort d'ancestor, writ of entry sur disseisin, in the quibus, in the per, in the per and cui, or in the post, writ of entry sur intrusion, writ of entry sur alienation dum fuit non compos mentis, dum fuit infra ætatem, dum fuit in prisona, ad communem legem, in casu proviso, in consimili casu, cui in vita, sur cui in

vita, cui ante divortium, or sur cui ante divortium, writ of entry sur abatement, writ of entry quare ejecit infra terminum, or ad terminum qui præterit, or causa matrimonii prælocuti, writ of aiel, besaiel, tresaiel, cosinage, or nuper obiit, writ of waste, writ of partition, writ of disceit, writ of quod ei deforceat, writ of covenant real, writ of warrantia chartæ, writ of curia claudenda, or writ per quæ servitia, and no other action, real or mixed, (except a writ of right of dower, or writ of dower unde nihil habet, or a quare impedit, or an ejectment,) and no plaint in the nature of any such writ or action (except a plaint for freebench or dower,) shall be brought after the Thirty-first day of December, One thousand eight hundred and thirty-four.

XXXVII. Provided always, and be it further enacted, That when on the said Thirty-first day of December, One thousand eight hundred and thirty-four, any person who shall not have a right of entry to any land shall be entitled to maintain any such writ or action as aforesaid in respect of such land, such writ or action may be brought at any time before the First day of June, One thousand eight hundred and thirty-five in case the same might have been brought if this Act had not been made, notwithstanding the period of twenty years hereinbefore limited shall have expired.

XXXVIII. Provided also, and be it further enacted, That when, on the said First day of June, One thousand eight hundred and thirty-five, any person whose right of entry to any land shall have been taken away by any descent cast, discontinuance, or warranty, might maintain any such writ or action as aforesaid in respect of such land, such writ or action may be brought after the said First day of June, One thousand eight hundred and thirty-five, but only within the period during which by virtue of the provisions of this Act an entry might have been made upon the same land by the person bringing such writ or action if his right of entry had not been so taken away.

XXXIX. And be it further enacted, That no descent cast, discontinuance, or warranty which may happen or be made after the said Thirty-first day of December, One thousand eight hundred and thirty-three shall toll or defeat any right of entry or action for the recovery of land.

XL. And be it further enacted, That after the said Thirty-first day of December, One thousand eight hundred and thirty-three, no action or suit or other proceeding shall be brought to recover any sum of money secured by any mortgage, judgment, or lien, or otherwise charged upon or payable out of any land or rent, at law or in equity, or any legacy, but within twenty years next after a present right to receive the same shall have accrued to some person capable of giving a discharge for or release of the same, unless in the mean time some part of the principal money, or some interest thereon shall have been paid, or some acknowledgment of the right thereto shall have been given in writing signed by the person by whom the same shall be payable, or his agent, to the person entitled thereto, or his agent; and in such case no such action or suit or proceeding shall be brought but within twenty years after such payment or acknowledgment, or the last of such payments or acknowledgments if more than one was given.

XLI. And be it further enacted, that after the said Thirty-first day of December, One thousand eight hundred and thirty-three, no

No. 7.
Act 3 & 4
W. 4, c. 27.

except for
dower, quare
impedit, and
ejectment.

Real actions
may be brought
until the 1st
June, 1835.

Saving the
rights of
persons entitled
to real actions
only at the
commencement
of the Act, &c.

No descent,
warranty, &c.,
to bar a right
of entry.

Money charged
upon land and
legacies to be
deemed satisfied
at the end of
twenty years if
there shall be
no interest paid
or acknowledg-
ment in
writing in
the mean time.

No arrears of
dower to be
recovered for
more than six
years.

No. 7.
Act 3 & 4
W. 4, c. 27.

No arrears of
rent or interest
to be recovered
for more than
six years.

arrears or dower, nor any damages on account of such arrears, shall be recovered or obtained by any action or suit for a longer period than six years next before the commencement of such action or suit.

XLII. And be it further enacted, That after the said Thirty-first day of December, One thousand eight hundred and thirty-three, no arrears of rent or of interest in respect of any sum of money charged upon or payable out of any land or rent, or in respect of any legacy, or any damages in respect of such arrears of rent or interest, shall be recovered by any distress, action, or suit, but within six years next after the same respectively shall have become due, or next after an acknowledgment of the same in writing shall have been given to the person entitled thereto, or his agent, signed by the person by whom the same was payable, or his agent: Provided nevertheless, that where any prior mortgagee or other incumbrancer shall have been in possession of any land, or in the receipt of the profits thereof, within one year next before an action or suit shall be brought by any person entitled to a subsequent mortgage or other incumbrance on the same land, the person entitled to such subsequent mortgage or incumbrance may recover in such action or suit the arrears of interest which shall have become due during the whole time that such prior mortgagee or incumbrancer was in such possession or receipt as aforesaid, although such time may have exceeded the said term of six years.

Act to extend to
the Spiritual
Courts.

XLIII. And be it further enacted, That after the said thirty-first day of December, One thousand eight hundred and thirty-three, no person claiming any tithes, legacy, or other property for the recovery of which he might bring an action or suit at law or in equity shall bring a suit or other proceeding in any spiritual Court to recover the same but within the period during which he might bring such action or suit at law or in equity.

Act not to
extend to
Scotland, nor to
advowsons in
Ireland.

XLIV. Provided always, and be it further enacted, That this Act shall not extend to Scotland, and shall not, so far as it relates to any right to permit to or bestow any church, vicarage, or other ecclesiastical benefice, extend to Ireland.

Act may be
amended.

XLV. And be it further enacted, That this Act may be amended, altered, or repealed during this present Session of Parliament.

No. 8.
Act 3 & 4
W. 4, c. 106.

Meaning of
words in the
Act:

"Land."

No. 8.—Wm. 4, ch. 106. *An Act for the Amendment of the Law of Inheritance.* (29th August, 1833.)

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the words and expressions hereinafter mentioned, which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "land" shall extend to manors, advowsons, messuages, and all other hereditaments, whether corporeal or incorporeal, and whether freehold or copyhold, or of any other tenure, and whether descendible according to the common law, or according to the custom of gavelkind or borough English, or any other custom, and to money

to be laid out in the purchase of land, and to chattels and other personal property transmissible to heirs, and also to any share of the same hereditaments and properties, or any of them, and to any estate of inheritance, or estate for any life or lives, or other estate transmissible to heirs, and to any possibility, right, or title of entry or action, and any other interest capable of being inherited, and whether the same estates, possibilities, rights, titles, and interests, or any of them, shall be in possession, reversion, remainder, or contingency; and the words "the purchaser" shall mean the person who last acquired the land otherwise than by descent, or than by any escheat, partition, or inclosure, by the effect of which the land shall have become part of or descendible in the same manner as other land acquired by descent; and the word "descent" shall mean the title to inherit land by reason of consanguinity, as well where the heir shall be an ancestor or collateral relation, as where he shall be a child or other issue; and the expression "descendants" of any ancestor shall extend to all persons who must trace their descent through such ancestor; and the expression "the person last entitled to land" shall extend to the last person who had a right thereto, whether he did or did not obtain the possession or the receipt of the rents and profits thereof; and the word "assurance" shall mean any deed or instrument (other than a will) by which any land shall be conveyed or transferred at law or in equity; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

II. And be it further enacted, That in every case descent shall be traced from the purchaser; and to the intent that the pedigree may never be carried further back than the circumstances of the case and the nature of the title shall require, the person last entitled to the land shall, for the purposes of this Act, be considered to have been the purchaser thereof, unless it shall be proved that he inherited the same, in which case the person from whom he inherited the same shall be considered to have been the purchaser, unless it shall be proved that he inherited the same; and in like manner the last person from whom the land shall be proved to have been inherited, shall in every case be considered to have been the purchaser, unless it shall be proved that he inherited the same.

III. And be it further enacted, That when any land shall have been devised by any testator who shall die after the Thirty-first day of December, One thousand eight hundred and thirty-three, to the heir or to the person who shall be the heir of such testator, such heir shall be considered to have acquired the land as a devisee, and not by descent; and when any land shall have been limited, by any assurance executed after the said Thirty-first day of December, One thousand eight hundred and thirty-three, to the person or to the heirs of the person who shall thereby have conveyed the same land, such person shall be considered to have acquired the same as a purchaser by virtue of such assurance, and shall not be considered to be entitled thereto as his former estate or part thereof.

IV. And be it further enacted, That when any person shall have acquired any land by purchase under a limitation to the heirs or to the heirs of the body of any of his ancestors, contained in an

No. 8.
Act 3 & 4
W. 4, c. 106.

"The purchaser."

"Descent."

"Descendants."

"Person last entitled."

"Assurance."

Number and gender.

Descent shall always be traced from the purchaser, but the last owner shall be considered to be the purchaser, unless the contrary be proved.

Heir entitled under a will shall take as devisee, and a limitation to the grantor or his heirs shall create an estate by purchase.

Where heirs take by purchase under limitations to

No. 8.
Act 3 & 4
W. 4, c. 106.

the heirs of
their ancestor,
the land shall
descend as if
the ancestor
had been the
purchaser.
Brothers, &c.,
shall trace
descent through
their parent.

Lineal ancestor
may be heir in
preference to
collateral per-
sons claiming
through him.

The male line
to be preferred.

The mother of
more remote
male ancestor
to be preferred
to the mother
of the less
remote male
ancestor.

Half-blood, if
on the part of
a male ancestor,
to inherit after
the whole-blood
of the same
degree; if on
the part of a
female ancestor,
after her.

assurance executed after the said thirty-first day of December, One thousand eight hundred and Thirty-three, or under a limitation to the heirs or to the heirs of the body of any of his ancestors, or under any limitation having the same effect, contained in a will of any testator who shall depart this life after the said Thirty-first day of December, One thousand eight hundred and thirty-three, then and in any of such cases such land shall descend, and the descent thereof shall be traced as if the ancestor named in such limitation had been the purchaser of such land.

V. And be it further enacted, That no brother or sister shall be considered to inherit immediately from his or her brother or sister, but every descent from a brother or sister shall be traced through the parent.

VI. And be it further enacted, That every lineal ancestor shall be capable of being heir to any of his issue; and in every case where there shall be no issue of the purchaser, his nearest lineal ancestor shall be his heir in preference to any person who would have been entitled to inherit, either by tracing his descent through such lineal ancestor, or in consequence of there being no descendant of such lineal ancestor, so that the father shall be preferred to a brother or sister, and a more remote lineal ancestor to any of his issue, other than a nearer lineal ancestor or his issue.

VII. And be it further enacted and declared, That none of the maternal ancestors of the person from whom the descent is to be traced, nor any of their descendants, shall be capable of inheriting until all his paternal ancestors and their descendants shall have failed; and also that no female paternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male paternal ancestors and their descendants shall have failed; and that no female maternal ancestor of such person, nor any of her descendants, shall be capable of inheriting until all his male maternal ancestors and their descendants shall have failed.

VIII. And be it further enacted and declared, That where there shall be a failure of male paternal ancestors of the person from whom the descent is to be traced, and their descendants, the mother of his more remote male paternal ancestor, or her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male paternal ancestor, or her descendants; and where there shall be a failure of male maternal ancestors of such person, and their descendants, the mother of his more remote male maternal ancestor, and her descendants, shall be the heir or heirs of such person, in preference to the mother of a less remote male maternal ancestor, and her descendants.

IX. And be it further enacted, That any person related to the person from whom the descent is to be traced by the half-blood shall be capable of being his heir; and the place in which any such relation by the half-blood shall stand in the order of inheritance, so as to be entitled to inherit, shall be next after any relation in the same degree of the whole-blood and his issue, where the common ancestor shall be a male, and next after the common ancestor where such common ancestor shall be a female, so that the brother of the half-blood on the part of the father shall inherit next after the sisters of the whole-blood on the part of the father and their issue, and the brother of the half-blood on the part of the mother shall inherit next after the mother.

X. And be it further enacted, That when the person from whom the descent of any land is to be traced shall have had any relation who, having been attainted, shall have died before such descent shall have taken place, then such attainder shall not prevent any person from inheriting such land who would have been capable of inheriting the same, by tracing his descent through such relation, if he had not been attainted, unless such land shall have escheated in consequence of such attainder, before the First day of January, One thousand eight hundred and thirty-four.

XI. And be it further enacted, That this Act shall not extend to any descent which shall take place on the death of any person who shall die before the said First day of January, One thousand eight hundred and thirty-four.

XII. And be it further enacted, That where any assurance executed before the said First day of January, One thousand eight hundred and thirty-four, or the will of any person who shall die before the same First day of January, One thousand eight hundred and thirty-four, shall contain any limitation or gift to the heir or heirs of any person, under which the person or persons answering the description of heir shall be entitled to an estate by purchase, then the person or persons who would have answered such description of heir if this Act had not been made shall become entitled by virtue of such limitation or gift, whether the person named as ancestor shall or shall not be living on or after the said First day of January, One thousand eight hundred and thirty-four.

No. 8.
Act 3 & 4
W. 4, c. 106.

After the death of a person attainted, his descendants may inherit.

Act not to extend to any descent before Jan., 1834.

Limitations made before the 1st Jan., 1834, to the heirs of a person then living, shall take effect as if the Act had not been made.

No. 9.—6 & 7 Wm. 4, ch. 111. *An Act to prevent the Fact of a previous Conviction being given in Evidence to the Jury on the Case before them, except when Evidence to Character is given.* (20th August, 1836.)

No. 9.
Act 6 & 7
W. 4, c. 111.

WHEREAS by an Act passed in the seventh and eighth years of the reign of King George the Fourth, entitled, "An Act for further improving the Administration of Justice in Criminal Cases," provision is made for the more exemplary punishment of offenders who shall commit any felony not punishable with death after a previous conviction for felony; And whereas, since the passing of the said Act the practice has been on the trial of any person for any such subsequent felony to charge the jury to inquire at the same time concerning such previous conviction; And whereas doubts may be reasonably entertained whether such practice is consistent with a fair and impartial inquiry as regards the matter of such subsequent felony, and it is expedient that such practice should from henceforth be discontinued; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act it shall not be lawful on the trial of any person for any such subsequent felony to charge the jury to inquire concerning such previous conviction, until after they shall have inquired concerning such subsequent felony, and shall have found such person guilty of the same; and whenever in any indictment such previous conviction shall be

7 & 8 G. 4,
c. 28.

A previous conviction not to be given in charge or read to the jury until after the finding for a subsequent felony; except when evidence as to good character is given.

No. 9.
Act 6 & 7
W. 4, c. 111.

stated, the reading of such statement to the jury as part of the indictment shall be deferred until after such finding as aforesaid: Provided nevertheless, that if upon the trial of any person for any such subsequent felony as aforesaid, such person shall give evidence of his or her good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the indictment and conviction of such person for the previous felony before such verdict of guilty shall have been returned, and the jury shall inquire concerning such previous conviction for felony at the same time that they inquire concerning the subsequent felony.

No. 10.
Act 6 & 7
W. 4, c. 114.

No. 10.—6 & 7 Wm. 4, ch. 114. *An Act for enabling Persons indicted of Felony to make their Defence by Counsel or Attorney.* (20th Aug., 1836.)

All persons
tried for
felony after
1st October
next may make
their defence by
Counsel or
Attorney.

WHEREAS it is just and reasonable that persons accused of offences against the law should be enabled to make their full answer and defence to all that is alleged against them; Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the First day of October next all persons tried for felonies shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto, by counsel learned in the law, or by attorney in Courts where attorneys practise as counsel.

No. 11.
Act 1 Vic.
c. 28.

No. 11.—1 Vic. ch. 28. *An Act to amend an Act of the Third and Fourth Years of His late Majesty, for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto.* (3rd July, 1837.)

3 & 4 W. 4,
c. 27.

Mortgagees
within the
definition in
3 & 4 W. 4,
c. 27, s. 1,
may bring
actions to
recover land
within 20 years
after last pay-
ment of princi-
pal or interest.

WHEREAS doubts have been entertained as to the effect of a certain Act of Parliament made in the third and fourth years of His late Majesty King William the Fourth, entitled, "An Act for the Limitation of Actions and Suits relating to Real Property, and for simplifying the Remedies for trying the Rights thereto," so far as the same relates to mortgages; and it is expedient that such doubts should be removed; Be it declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful for any person entitled to, or claiming under any mortgage of land, being land within the definition contained in the first section of the said Act, to make an entry or bring an action at law or suit in equity to recover such land at any time within Twenty years next after the last payment of any part of the principal money or interest secured by such mortgage, although more than Twenty years may have elapsed since the time at which the right to make such entry, or bring such action or suit in equity shall have first accrued, anything in the said Act notwithstanding.

No. 12.—1 Vic. ch. 88. *An Act to amend certain Acts relating to the Crime of Piracy.* (17th July, 1837.)

No. 12.
Act 1 Vic.
c. 88.

WHEREAS it is expedient to amend so much of an Act passed in the Twenty-eighth year of the reign of King Henry the Eighth, entitled "For Pirates," and so much of an Act passed in the Eleventh and Twelfth years of the reign of King William the Third, entitled, "An Act for the more effectual Suppression of Piracy," and so much of an Act passed in the Fourth year of the reign of King George the First, entitled, "An Act for the further preventing Robbery, Burglary, and other Felonies, and for the more effectual Transportation of Felons and unlawful Exporters of Wool, and for declaring the Law upon some Points relating to Pirates," and so much of an Act passed in the Eighth year of the same reign, entitled, "An Act for the more effectual suppressing of Piracy," and so much of an Act passed in the Eighteenth year of the reign of King George the Second, entitled, "An Act to amend an Act made in the Eleventh year of the reign of King William the Third, entitled, 'An Act for the more effectual Suppression of Piracy,'" as relates to the punishment of the crime of piracy, or of any offence by any of the said Acts declared to be piracy, or of accessaries thereto respectively; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said several Acts as is hereinbefore referred to shall from and after the commencement of this Act be, and the same is hereby repealed.

28 H. 8, c. 15.

11 & 12 W. 3,
c. 7.

4 G. 1, c. 11,
s. 7.

8 G. 1, c. 24.

18 G. 2, c. 30.

Repeal of
provisions in
recited Acts.

Punishment
of piracy when
murder is
attempted.

II. And be it enacted, That from and after the commencement of this Act, whosoever, with intent to commit, or at the time of, or immediately before or immediately after committing the crime of piracy in respect of any ship or vessel, shall assault, with intent to murder, any person being on board of, or belonging to such ship or vessel, or shall stab, cut, or wound any such person, or unlawfully do any act by which the life of such person may be endangered, shall be guilty of felony, and being convicted thereof, shall suffer death as a felon.

Persons guilty
of piracy, to be
transported.

III. And be it enacted, That from and after the commencement of this Act, whosoever shall be convicted of any offence which by any of the Acts hereinbefore referred to amounts to the crime of piracy, and is thereby made punishable with death, shall be liable, at the discretion of the Court, to be transported beyond the seas for the term of the natural life of such offender, or for any term not less than Fifteen years, or to be imprisoned for any term not exceeding Three years.

Punishment of
accessaries.

IV. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree, and every accessory before the fact shall be punishable with death, or otherwise in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall, on conviction, be liable to be imprisoned for any term not exceeding Two years.

V. And be it enacted, That where any person shall be convicted of any offence punishable under this Act for which imprisonment

Offences
punishable by
imprisonment.

No. 12.
Act 1 Vic.
c. 88.

may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or imprisoned and kept to hard labour, in the common gaol or house of correction, and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, not exceeding One month at any one time, and not exceeding Three months in any one year, as to the Court in its discretion shall seem meet.

Not to affect
powers of
5 & 6 W. 4,
c. 38, and
4 G. 4, c. 64.

VI. And be it further enacted, That nothing in this Act contained shall be construed to extend to the alteration or repeal of any of the powers, provisions, or regulations contained in an Act made and passed in the Fifth and Sixth years of the reign of His late Majesty King William the Fourth, entitled, "An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in England and Wales, and for appointing Inspectors of Prisons in Great Britain;" or in an Act made and passed in the Fourth year of His Majesty King George the Fourth, entitled, "An Act for consolidating and amending the Laws relating to the Building, Repairing, and Regulating of certain Gaols and Houses of Correction in England and Wales."

Commencement
of Act.

VII. And be it further enacted, That this Act shall commence and take effect on the First day of October, One thousand eight hundred and thirty-seven.

No. 13.
Act 4 Vic.
c. 21.

No. 13.—4 Vic. ch. 21. *An Act for rendering a Release as Effectual for the Conveyance of Freehold Estates as a Lease and Release by the same Parties.* (18th May, 1841.)

A release to
be effectual
although no
lease for a
year shall be
executed.

WHEREAS it is expedient to lessen the expense of conveying freehold estates; Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That every deed or instrument of release of a freehold estate, or deed or instrument purporting or intended to be a deed or instrument of release of a freehold estate which shall be executed on or after the Fifteenth day of May, One thousand eight hundred and forty-one, and shall be expressed to be made in pursuance of this Act, shall be as effectual for the purposes therein expressed, and shall take effect as a conveyance to uses or otherwise, and shall operate in all respects both at law and equity as if the releasing party or parties who shall have executed the same had also executed in due form a deed or instrument of bargain and sale or lease for a year for giving effect to such release, although no such deed or instrument of bargain and sale or lease for a year shall be executed: Provided that every such deed or instrument so taking effect under this Act shall be chargeable with the same amount of stamp duty as any bargain and sale or lease for a year would have been chargeable with (except progressive duty) if executed to give effect to such deed or instrument, in addition to the stamp duties which such deed or instrument shall be chargeable with as a release or otherwise, under any Act or Acts relating to stamp duties.

Release
chargeable
with the
stamp duty
to which the
lease for a year
would have
been liable.

II And whereas many deeds or instruments of bargain and sale

or leases for a year, to give effect to deeds or instruments of release of freehold estates heretofore executed, have been lost or mislaid; Be it enacted, That where, in or by any deed or instrument of release of freehold estates executed before the Fifteenth day of May, One thousand eight hundred and forty-one, any deed or instrument of bargain and sale or lease for a year for giving effect to such deed or instrument of release shall be recited, or by any mention thereof in such deed or instrument of release appear to have been made or executed, such recital or mention thereof shall be deemed and taken to be conclusive evidence of the deed or instrument of bargain and sale or lease for a year so recited or mentioned having been made and executed; and such deed or instrument of release shall also have the like effect as if the same had been executed after the Fifteenth day of May, One thousand eight hundred and forty-one, whether such deed or instrument of bargain and sale or lease for a year shall or shall not have been lost or mislaid, or may or may not be produced: Provided always, that this Act shall not prejudice or affect any proceedings at law or in equity pending at the time of the passing of this Act, in which the validity of any bargain and sale or lease for a year shall be in question between the party claiming under such bargain and sale or lease for a year and the party claiming adversely thereto; and such bargain and sale or lease for a year, if the result of such proceedings, shall invalidate the same, shall not be rendered valid by this Act.

III. And be it enacted, That in the construction of this Act the word "freehold" shall have not only its usual signification, but shall extend to all lands and hereditaments for the conveyance of which if this Act had not been passed a bargain and sale or lease for a year, as well as a release, would have been used.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

No. 13.
Act 4 Vic.
c. 21.

The recital or mention of a lease for a year in a release executed before the passing of this Act, to be evidence of the execution of such lease for a year.

Construction of the word "freehold."

Act may be altered, &c.

No. 14.—6 & 7 Vic. ch. 96. *An Act to amend the Law respecting Defamatory Words and Libel.* (24th Aug., 1843.)

No. 14.
Act 6 & 7 V.
c. 96.

FOR the better protection of private character, and for more effectually securing the liberty of the press, and for better preventing abuses in exercising the said liberty; Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That in any action for defamation it shall be lawful for the defendant (after notice in writing of his intention so to do, duly given to the plaintiff at the time of filing or delivering the plea in such action,) to give in evidence, in mitigation of damages, that he made or offered an apology to the plaintiff for such defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, in case the action shall have been commenced before there was an opportunity of making or offering such apology.

II. And be it enacted, That in an action for a libel contained in any public newspaper or other periodical publication, it shall be competent to the defendant to plead that such libel was inserted in

Offer of an apology admissible in evidence in mitigation of damages.

In an action against a newspaper for libel, the

No. 14.
Act 6 & 7 V.
c. 96.

Defendant may
plead that
it was inserted
without malice
and without
neglect, and
may pay money
into Court as
amends.

3 & 4 W. 4,
c. 42.

Publishing or
threatening to
publish a libel,
or proposing to
abstain from
publishing any-
thing with
intent to extort
money, punish-
able by im-
prisonment and
hard labour.

False defa-
matory libel
punishable by
imprisonment
and fine.

Malicious
defamatory
libel, by im-
prisonment or fine.

Proceedings
upon the trial
of an indictment
or information
for a defama-
tory libel.

such newspaper or other periodical publication without actual malice, and without gross negligence, and that before the commencement of the action, or at the earliest opportunity afterwards, he inserted in such newspaper or other periodical publication a full apology for the said libel, or, if the newspaper or periodical publication in which the said libel appeared should be ordinarily published at intervals exceeding one week, had offered to publish the said apology in any newspaper or periodical publication to be selected by the plaintiff in such action; and that every such defendant shall, upon filing such plea, be at liberty to pay into Court a sum of money by way of amends for the injury sustained by the publication of such libel, and such payment into Court shall be of the same effect, and be available in the same manner and to the same extent, and be subject to the same rules and regulations as to payment of costs and the form of pleading, except so far as regards the pleading of the additional facts hereinbefore required to be pleaded by such defendant, as if actions for libel had not been excepted from the personal actions in which it is lawful to pay money into Court under an Act passed in the session of Parliament held in the fourth year of His late Majesty, entitled, "An Act for the further Amendment of the Law, and the better Advancement of Justice;" and that to such plea to such action, it shall be competent to the plaintiff to reply generally, denying the whole of such plea.

III. And be it enacted, That if any person shall publish, or threaten to publish, any libel upon any other person, or shall directly or indirectly threaten to print or publish, or shall directly or indirectly propose to abstain from printing or publishing, or shall directly or indirectly offer to prevent the printing or publishing, of any matter or thing touching any other person, with intent to extort any money or security for money, or any valuable thing from such or any other person, or with intent to induce any person to confer or procure for any person any appointment or office of profit or trust, every such offender, on being convicted thereof, shall be liable to be imprisoned, with or without hard labour, in the common gaol or house of correction, for any term not exceeding Three years: Provided always, that nothing herein contained shall in any manner alter or affect any law now in force in respect of the sending or delivery of threatening letters or writings.

IV. And be it enacted, That if any person shall maliciously publish any defamatory libel, knowing the same to be false, every such person, being convicted thereof, shall be liable to be imprisoned in the common gaol or house of correction for any term not exceeding Two years, and to pay such fine as the Court shall award.

V. And be it enacted, That if any person shall maliciously publish any defamatory libel, every such person, being convicted thereof, shall be liable to fine or imprisonment, or both, as the Court may award, such imprisonment not to exceed the term of One year.

VI. And be it enacted, That on the trial of any indictment or information for a defamatory libel, the defendant having pleaded such plea as hereinafter mentioned, the truth of the matters charged may be inquired into, but shall not amount to a defence, unless it was for the public benefit that the said matters charged

No. 14.
Act 6 & 7 V.
c. 96.

should be published; and that to entitle the defendant to give evidence of the truth of such matters charged as a defence to such indictment or information, it shall be necessary for the defendant, in pleading to the said indictment or information, to allege the truth of the said matters charged in the manner now required in pleading a justification to an action for defamation, and further to allege that it was for the public benefit that the said matters charged should be published, and the particular fact or facts by reason whereof it was for the public benefit that the said matters charged should be published, to which plea the prosecutor shall be at liberty to reply generally, denying the whole thereof; and that if after such plea the defendant shall be convicted on such indictment or information, it shall be competent to the Court, in pronouncing sentence, to consider whether the guilt of the defendant is aggravated or mitigated by the said plea, and by the evidence given to prove or to disprove the same: Provided always, that the truth of the matters charged in the alleged libel complained of by such indictment or information shall in no case be inquired into without such plea of justification: Provided also, that in addition to such plea it shall be competent to the defendant to plead a plea of not guilty: Provided also, that nothing in this Act contained shall take away or prejudice any defence under the plea of not guilty, which it is now competent to the defendant to make under such plea to any action or indictment or information for defamatory words or libel.

Double plea.

Proviso as to plea of not guilty in civil and criminal proceedings,

VII. And be it enacted, That whensoever, upon the trial of any indictment or information for the publication of a libel, under the plea of not guilty, evidence shall have been given which shall establish a presumptive case of publication against the defendant by the act of any other person by his authority, it shall be competent to such defendant to prove that such publication was made without his authority, consent, or knowledge, and that the said publication did not arise from want of due care or caution on his part.

Evidence to rebut *prima facie* case of publication by an agent.

VIII. And be it enacted, That in the case of any indictment or information by a private prosecutor for the publication of any defamatory libel, if judgment shall be given for the defendant, he shall be entitled to recover from the prosecutor the costs sustained by the said defendant by reason of such indictment or information; and that upon a special plea of justification to such indictment or information, if the issue be found for the prosecutor, he shall be entitled to recover from the defendant the costs sustained by the prosecutor by reason of such plea, such costs so to be recovered by the defendant or prosecutor respectively to be taxed by the proper officer of the Court before which the said indictment or information is tried.

On prosecution for private libel, defendant entitled to costs on acquittal.

IX. And be it enacted, That wherever throughout this Act, in describing the plaintiff or the defendant, or the party affected or intended to be affected by the offence, words are used importing the singular number or the masculine gender only, yet they shall be understood to include several persons as well as one person, and females as well as males, unless when the nature of the provision or the context of the Act shall exclude such construction.

Interpretation of Act.

X. And be it enacted, That this Act shall take effect from the First day of November next; and that nothing in this Act contained shall extend to Scotland.

Commencement and extent of Act.

No. 15.
Act 8 & 9 V.
c. 106.

No. 15.—8 & 9 Vic. ch. 106. *An Act to amend the Law of Real Property.* (4th August, 1845.)

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Repeal of
so much of
7 & 8 Vict.
c. 76 as
abolishes
contingent
remainders
as from the
commence-
ment;

I. That so much of an Act passed in the last session of Parliament, entitled "An Act to simplify the Transfer of Property," as enacted that after the time at which that Act should come into operation no estate in land should be created by way of contingent remainder; but that every estate which before that time would have taken effect as a contingent remainder should take effect (if in a will or codicil) as an executory devise, and (if in a deed) as an executory estate of the same nature, and having the same properties as an executory devise; and that contingent remainders existing under deeds, wills, or instruments, executed or made before the time when that Act should come into operation should not fail or be destroyed or barred, merely by reason of the destruction or merger of any preceding estate, or its determination by any other means than the natural effluxion of the time of such preceding estate, or some event on which it was in its creation limited to determine, shall be and is hereby repealed, as from the time of the commencement and taking effect thereof; and that the residue of the said Act shall be and is hereby repealed, as from the First day of October, One thousand eight hundred and forty-five.

and the
residue as
from 1st Oct.
1845.

The immediate
freehold of
corporeal
tenements to
lie in grant
as well as in
livery.
Stamp duty on
grants thereof.

II. That after the said First day of October, One thousand eight hundred and forty-five all corporeal tenements and hereditaments shall, as regards the conveyance of the immediate freehold thereof, be deemed to lie in grant as well as in livery; and that every deed which, by force only of this enactment shall be effectual as a grant, shall be chargeable with the stamp duty with which the same deed would have been chargeable in case the same had been a release, founded on a lease or bargain and sale for a year, and also with the same stamp duty (exclusive of progressive duty) with which such lease or bargain and sale for a year would have been chargeable.

Feoffments,
partitions,
exchanges,
leases, assign-
ments, and
surrenders
required
(subject to
certain excep-
tions) to be by
deed.

III. That a feoffment made after the said First day of October, One thousand eight hundred and forty-five, other than a feoffment made under a custom by an infant, shall be void at law, unless evidenced by deed; and that a partition and an exchange of any tenements or hereditaments not being copyhold, and a lease required by law to be in writing of any tenements or hereditaments, and an assignment of a chattel interest not being copyhold in any tenements or hereditaments, and a surrender in writing of an interest in any tenements or hereditaments, not being a copyhold interest, and not being an interest which might by law have been created without writing, made after the said First day of October, One thousand eight hundred and forty-five, shall also be void at law, unless made by deed: Provided always that the said enactment so far as the same relates to a release or a surrender, shall not extend to Ireland.

Feoffments not
to operate by
wrong, nor
exchanges or

IV. That a feoffment made after the said First day of October, One thousand eight hundred and forty-five shall not have any tortuous operation; and that an exchange, or a partition of any

tenements or hereditaments made by deed, executed after the said First day of October, One thousand eight hundred and forty-five shall not imply any condition in law; and that the word "give" or the word "grant" in a deed executed after the same day shall not imply any covenant in law in respect of any tenements or hereditaments, except so far as the word "give" or the word "grant" may by force of any Act of Parliament imply a covenant.

V. That under an indenture executed after the First day of October, One thousand eight hundred and forty-five, an immediate estate or interest in any tenements or hereditaments, and the benefit of a condition or covenant respecting any tenements or hereditaments may be taken, although the taker thereof be not named a party to the same indenture; also that a deed executed after the said First day of October, One thousand eight hundred and forty-five, purporting to be an indenture, shall have the effect of an indenture although not actually indented.

VI. That after the First day of October, One thousand eight hundred and forty-five, a contingent, an executory, and a future interest, and a possibility coupled with an interest in any tenements or hereditaments of any tenure, whether the object of the gift or limitation of such interest or possibility be or be not ascertained, also a right of entry, whether immediate or future, and whether vested or contingent into or upon any tenements or hereditaments in England of any tenure may be disposed of by deed; but that no such disposition shall, by force only of this Act, defeat or enlarge an estate tail; and that every such disposition by a married woman shall be made conformably to the provisions relative to dispositions by married women, of an Act passed in the third and fourth years of the reign of His late Majesty King William the Fourth, entitled "An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance," or in Ireland of an Act passed in the Fourth and fifth years of the reign of His said late Majesty, entitled "An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple modes of Assurance in Ireland."

VII. That after the First day of October, One thousand eight hundred and forty-five, an estate or interest in any tenements or hereditaments in England of any tenure may be disclaimed by a married woman by deed; and that every such disclaimer shall be made conformably to the said provisions of the said Act for the abolition of fines and recoveries and for the substitution of more simple modes of assurance.

VIII. That a contingent remainder existing at any time after the Thirty-first day of December One thousand eight hundred and forty-four, shall be, and if created before the passing of this Act, shall be deemed to have been capable of taking effect notwithstanding the determination, by forfeiture, surrender, or merger, of any preceding estate of freehold in the same manner in all respects as if such determination had not happened.

IX. That when the reversion expectant on a lease, made either before or after the passing of this Act of any tenements or hereditaments of any tenure shall, after the said First day of October, One thousand eight hundred and forty-five, be surrendered or merge the estate which shall for the time being confer as against the tenant under the same lease the next vested right to the same

No. 15.
Act 8 & 9 V.
c. 106.

partitions to imply any condition, or give and grant any covenant. Strangers may take immediately, under an indenture, and a deed purporting to be an indenture shall take effect as such.

Contingent and other like interests, also rights of entry, made alienable by deed, saving estates in tail; and as regards married women enjoining conformity to 3 & 4 W. 4, c. 74.

4 & 5 W. 4,
c. 92.

Capacity of married women to disclaim estates or interests by deed extended to England.

Contingent remainders protected as from 31st Dec. 1844, against the premature failure of a preceding estate.

When the reversion on a lease is gone, the next estate to be deemed the reversion.

No. 15.
Act 8 & 9 V.
c. 106.

Act not to extend to Scotland.

tenements or hereditaments shall, to the extent and for the purpose of preserving such incidents to and obligations on the same reversion as but for the surrender or merger thereof would have subsisted, be deemed the reversion expectant on the same lease.

X. That this Act shall not extend to Scotland.

No. 16.
Act 8 & 9 V.
c. 119.

No. 16.—8 & 9 Vic. ch. 119. *An Act to facilitate the Conveyance of Real Property.* (8th August, 1845.)

Where the words of Column I. of the Second Schedule are employed, the deed to have the same effect as if the words in Column II. were inserted.

WHEREAS it is expedient to facilitate the sale and conveyance of real property; Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that whenever any party to any deed, made according to the forms set forth in the first Schedule to this Act, or to any other deed which shall be expressed to be made in pursuance of this Act, or referring thereto, shall employ in any such deed respectively any of the forms of words contained in Column I. of the second Schedule hereto annexed, and distinguished by any number therein, such deed shall be taken to have the same effect and be construed as if such party had inserted in such deed the form of words contained in Column II. of the same Schedule, and distinguished by the same number as is annexed to the form of words employed by such party; but it shall not be necessary in any such deed to insert any such number.

Deed to include all houses, &c., and the reversion and all the estate.

II. That every such deed, unless any exception be specially made therein, shall be held and construed to include all houses, out-houses, edifices, barns, stables, yards, gardens, orchards, commons, trees, woods, underwoods, mounds, fences, hedges, ditches, ways, waters, watercourses, lights, liberties, privileges, easements, profits, commodities, emoluments, hereditaments, and appurtenances whatsoever to the lands therein comprised, belonging, or in anywise appertaining, or with the same demised, held, used, occupied and enjoyed, or taken or known as part or parcel thereof, and also the reversion or reversions, remainder and remainders, yearly and other rents, issues, and profits of the same lands, and of every part and parcel thereof, and all the estate, right, title, interest, inheritance, use, trust, property, profit, possession, claim, and demand whatsoever, both at law and in equity, of the grantor, in, to, out of, or upon the same lands and every part and parcel thereof, with their and every of their appurtenances.

Stamp duty on deed to be same as on lease, &c., for a year.

III. That every such deed under this Act shall be chargeable with the stamp duty with which the same would have been chargeable in case it had been a release founded on a lease or bargain and sale for a year, and also with the same stamp duty (exclusive of progressive duty) with which such lease or bargain and sale for a year would have been chargeable.

Remuneration for deed under the Act not to be by length only.

IV. That in taxing any bill for preparing and executing any deed under this Act, it shall be lawful for the taxing officer, and he is hereby required, in estimating the proper sum to be charged for such transaction, to consider not the length of such deed, but only the skill and labour employed, and responsibility incurred in the preparation thereof.

V. That any deed or part of a deed which shall fail to take effect by virtue of this Act shall nevertheless be as valid and effectual, and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this Act had not been made.

VI. That in the construction and for the purposes of this Act and the Schedules hereto annexed, unless there be something in the subject or context repugnant to such construction, the word "lands" shall extend to all freehold tenements and hereditaments, whether corporeal or incorporeal, and to such customary land as will pass by deed, or deed and admittance, and not by surrender, or any undivided part or share therein respectively; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing, and the converse; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "party" shall mean and include any body politic or corporate or collegiate as well as an individual.

VII. That the Schedules, and the directions and forms therein contained, shall be deemed and taken to be parts of this Act.

VIII. That the Act shall commence and take effect from and after the First day of October next.

IX. That this Act shall not extend to Scotland.

No. 16.
Act 8 & 9 V.
c. 119.

Construction
of Act.

Schedules, &c.
to form part of
Act.
Commence-
ment of Act.
Not to extend
to Scotland.

SCHEDULES TO WHICH THIS ACT REFERS.

THE FIRST SCHEDULE.

This indenture, made the _____ day of _____ One thousand eight hundred and forty- _____ (or other year) in pursuance of an Act to facilitate the conveyance of real property, between (here insert names of parties and recitals, if any,) witnesseth, that in consideration of _____ sterling now paid by the said (grantee) or (grantees) to the said (grantor) or (grantors) (the receipt whereof is hereby by him or them acknowledged), he or they the said (grantor) or (grantors) doth or do grant unto the said (grantee) or (grantees), his or their heirs and assigns for ever, all, &c. (parcels). (Here insert covenants, or any other provisions.) In witness whereof the said parties hereto have hereunto set their hands and seals.

THE SECOND SCHEDULE.

Directions as to the forms in this Schedule.

1. Parties who use any of the forms in the first column of this Schedule may substitute for the words "covenantor" or "covenantee," or "releasor" or "releasee," any name or names, and in every such case corresponding substitutions shall be taken to be made in the corresponding forms in the second column.

2. Such parties may substitute the feminine gender for the masculine, or the plural number for the singular, in any of the

No. 16.
Act 8 & 9 V.
c. 119.

forms in the first column of this Schedule, and corresponding changes shall be taken to be made in the corresponding forms in the second column.

3. Such parties may introduce into or annex to any of the forms in the first column any express exceptions from or other express qualifications thereof respectively, and the like exceptions or qualifications shall be taken to be made from or in the corresponding forms in the second column.

4. Such parties may add the name or other designation of any person or persons, or class or classes of persons, or any other words, at the end of form 2, of the first column, so as thereby to extend the words thereof to the Acts of any additional person or persons or class or classes of persons, or of all persons whomsoever; and in every such case the covenants 2, 3, and 4, or such of them as shall be employed in such deed, shall be taken to extend to the Acts of the person or persons, class or classes of persons so named.

COLUMN I.

1. The said (*covenantor*) covenants with the said (*covenantee*),

2. That he has the right to convey the said lands to the said (*covenantee*) notwithstanding any Act of the said (*covenantor*);

3. and that the said (*covenantee*) shall have quiet possession of the said lands,

COLUMN II.

1. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, in manner following; (that is to say,)

2. That for and notwithstanding any act, deed, matter, or thing by the said covenantor done, executed, committed, or knowingly or wilfully permitted or suffered, to the contrary, he the said covenantor now hath in himself good right, full power, and absolute authority to convey the said lands and other the premises hereby conveyed, or intended so to be, with their and every of their appurtenances, unto the said covenantee, in manner aforesaid, and according to the true intent of these presents.

3. And that it shall be lawful for the said covenantee, his heirs and assigns, from time to time, and at all times hereafter, peaceably and quietly to enter upon, have, hold, occupy, possess, and enjoy the said lands and premises hereby conveyed, or intended so to be, with their and every of their appurtenances, and to have, receive, and take the rents, issues, and profits thereof, and of every part thereof to and for his and their use and benefit, without any let, suit, trouble, denial, eviction, interruption, claim, or demand whatsoever of, from, or by him the said covenantor or his heirs, or any person claiming or to claim by, from, under, or in trust for him, them, or any of them.

COLUMN I.

4. free from all incumbrances.

5. And the said (covenantor) covenants with the said (covenantee) that he will execute such further assurances of the said lands as may be requisite.

COLUMN II.

4. And that free and clear, and freely and absolutely acquitted, exonerated, and for ever discharged, or otherwise by the said covenantor or his heirs well and sufficiently saved, kept harmless, and indemnified of, from, and against any and every former and other gift, grant, bargain, sale, jointure, dower, use, trust, entail, will, statute, recognizance, judgment, execution, extent, rent, annuity, forfeiture, re-entry, and any and every other estate, title, charge, trouble, and incumbrance whatsoever, made, executed, occasioned, or suffered by the said covenantor or his heirs, or by any person claiming or to claim by, from, under, or in trust for him, them, or any of them.

5. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, that he the said covenantor, his heirs, executors, or administrators, and all and every other person whosoever having or claiming, or who shall or may hereafter have or claim, any estate, right, title, or interest whatsoever, either at law or in equity, in, to, or out of the said lands and premises hereby conveyed or intended so to be, or any of them, or any part thereof, by, from, under, or in trust for him, them, or any of them, shall and will from time to time and at all times hereafter, upon every reasonable request, and at the costs and charges of the said covenantee, his heirs or assigns, make, do, execute, or cause to be made, done, or executed, all such further and other lawful acts, deeds, things, devices, conveyances, and assurances in the law whatsoever, for the better, more perfectly, and absolutely conveying and assuring the said lands and premises hereby conveyed or intended so to be, and every part thereof, with their appurtenances, unto the said covenantee, his heirs and assigns, in manner aforesaid, as by the said covenantee, his heirs and assigns, his or their counsel in the law, shall be reasonably devised, advised, or required, so as no such further assurances contain or imply any further or other covenant or warranty than against the acts and deeds of the person who shall be required to make or execute the same, and his heirs, executors, or administrators, only, and so as no person who shall be required to make or execute such assurances shall be compellable for the making or exe-

No. 16.
Act 8 & 9 V.
c. 119.

No. 16.
Act 8 & 9 V.
c. 119.

COLUMN I.

6. And the said (*covenantor*) covenants with the said (*covenantee*) that he will produce the title deeds enumerated hereunder, and allow copies to be made of them, at the expense of the said (*covenantee*).

7. And the said (*covenantor*) covenants with the said (*covenantee*) that he has done no act to incumber the said lands.

8. And the said (*releasor*) releases to the said (*releasee*) all his claims upon the said lands.

COLUMN II.

cutting thereof to go or travel from his usual place of abode.

6. And the said covenantor doth hereby, for himself, his heirs, executors, and administrators, covenant, promise, and agree with and to the said covenantee, his heirs and assigns, that the said covenantor and his heirs shall and will, unless prevented by fire or other inevitable accident, from time to time and at all times hereafter, at the request, costs, and charges of the said covenantee, his heirs or assigns, or his or their attorney, solicitor, agent, or counsel, at any trial or hearing in any action or suit at law, or in equity, or other judicature, or otherwise, as occasion shall require, produce all and every or any deed, instrument, or writing hereunder written, for the manifestation, defence, and support of the estate, title, and possession of the said covenantee, his heirs or assigns, in or to the said lands and premises hereby conveyed, or intended so to be, and, at the like request, costs, and charges, shall and will make and deliver, or cause to be made and delivered, true and attested or other copies or abstracts of the same deeds, instruments, and writings respectively, or any of them, and shall and will permit and suffer such copies and abstracts to be examined and compared with the said original deeds by the said covenantee, his heirs and assigns, or such person as he or they shall for that purpose direct and appoint.

7. And the said covenantor, for himself, his heirs, executors, and administrators, doth hereby covenant, promise, and agree with and to the said covenantee, his heirs and assigns, that he hath not at any time heretofore made, done, committed, executed, or wilfully or knowingly suffered, any act, deed, matter, or thing whatsoever whereby or by means whereof the said lands and premises hereby conveyed, or intended so to be, or any part or parcel thereof, are, is, or shall or may be in anywise impeached, charged, affected, or incumbered in title, estate, or otherwise howsoever.

8. And the said releasor has remised, released, and for ever quitted claim, and by these presents doth remise, release, and for ever quit claim, unto the said releasee, his heirs and assigns, all and all manner of right, title, interest, claim, and demand whatsoever,

COLUMN I.

COLUMN II.

No. 16.
Act 8 & 9 V.
c. 119.

both at law and in equity, into and out of the said lands and premises hereby granted, or intended so to be, and every part and parcel thereof, so as that neither he, nor his heirs, executors, administrators, or assigns, shall, nor may at any time hereafter, have, claim, pretend to, challenge, or demand the said lands and premises, or any part thereof, in any manner howsoever; but the said releasee, his heirs and assigns, and the same lands and premises, shall from henceforth for ever hereafter be exonerated and discharged of and from all claims and demands whatsoever, which the said releasor might or could have upon him in respect of the said lands or upon the said lands.

No. 17.—9 & 10 Vic. ch. 62. *An Act to Abolish Deodands.*
(18th Aug. 1846.)

No. 17.
Act 9 & 10 V.
c. 62.

WHEREAS the law respecting the forfeiture of chattels which have moved to or caused the death of man, and respecting deodands, is unreasonable and inconvenient; Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the First day of September, One thousand eight hundred and forty-six, there shall be no forfeiture of any chattel for or in respect of the same having moved to or caused the death of man; and no coroner's jury sworn to inquire, upon the sight of any dead body, how the deceased came by his death, shall find any forfeiture of any chattel which may have moved to or caused the death of the deceased, or any deodand whatsoever; and it shall not be necessary in any indictment or inquisition for homicide to allege the value of the instrument which caused the death of the deceased, or to allege that the same was of no value.

Deodands and forfeiture of chattels moving to or causing death abolished from and after 1st Sept., 1846.

No. 18.—9 & 10 Vic. ch. 93. *An Act for Compensating the Families of Persons Killed by Accidents.* (26th Aug. 1846.)

No. 18.
Act 9 & 10 V.
c. 93.

WHEREAS no action at law is now maintainable against a person who by his wrongful act, neglect, or default, may have caused the death of another person, and it is oftentimes right and expedient that the wrongdoer in such case should be answerable in damages for the injury so caused by him; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority

An action to be maintainable against any person causing death through

No. 18.
Act 9 & 10V.
c. 93.

neglect, &c.,
notwithstanding
the death of the
person injured.

Action to be for
the benefit of
certain rela-
tions, and shall
be brought by
and in the name
of executor or
administrator
of the deceased.

Only one action
shall lie, and to
be commenced
within twelve
months.

Plaintiff to
deliver a full
particular of
the person for
whom such
damages shall
be claimed.

Construction
of Act.

Act to take
effect after
passing, and
not to apply
to Scotland.
Act may be
amended, &c.

of the same, That whensoever the death of a person shall be caused by wrongful act, neglect, or default, and the act, neglect, or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony.

II. And be it enacted, That every such action shall be for the benefit of the wife, husband, parent, and child of the person whose death shall have been so caused, and shall be brought by and in the name of the executor or administrator of the person deceased; and in every such action the jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before-mentioned parties in such shares as the jury by their verdict shall find and direct.

III. Provided always, and be it enacted, That not more than one action shall lie for and in respect of the same subject matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of such deceased person.

IV. And be it enacted, That in every such action the plaintiff on the record shall be required, together with the declaration, to deliver to the defendant or his attorney a full particular of the person or persons for whom and on whose behalf such action shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

V. And be it enacted, That the following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter: that is to say, words denoting the singular number are to be understood to apply also to a plurality of persons or things; and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender; and the word "person" shall apply to bodies politic and corporate; and the word "parent" shall include father and mother, and grandfather and grandmother, and stepfather and stepmother; and the word "child" shall include son and daughter, and grandson and granddaughter, and stepson and stepdaughter.

VI. And be it enacted, That this Act shall come into operation from and immediately after the passing thereof, and that nothing therein contained shall apply to that part of the United Kingdom called Scotland.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

INDEX.

A.

ABDUCTION of female under 16 years of age, how punished, 253.
 — for lucre, how punished, 253.
Abortion, attempt to procure, how punishable, 209, 252.
Absence of certain public officers, how provided for, 109, 174.
 — of defendant, how service of writ effected in case of, 99.
Accessaries to murder before the fact, how punishable, 238.
 — after the fact, 197, 237.
 — punishable, when principal not attained, 238, 256.
 — several may be charged in the same information, 249.
Accidental homicide, not punishable, 197.
Action, proceedings on, in Supreme Court, Civil side, 83-174, 190.
 — in Petty Debt Court, 188-195.
 — Debt in specialties, limitation of action for, 85.
 — Ejectment, proceedings in, 146-157.
 — Forms at various stages in action of, 164-167.
 — Joinder of claims not to apply to actions in, 129.
 — Executors may bring or defend, 85.
 — Mixed, upon real estate, abolished, 588.
 — Replevin, joinder of claims not to apply in actions of, 129.
 — Trespass, action for, not exceeding £5, may be taken cognizance of by Petty Debt Court, 190.
 — Trover, 190.
Adverse claims, relief against, for parties having no interest, 95.
 — Decision of Court final, 95.
Advertising Rewards for stolen property, how punishable, 226.
Advowson, right of recovery of, limited, 587.
 — barred absolute after 100 years, 588.
Affirmation, false, punishable as perjury, 92.
Agent, breach of trust or embezzlement by, how punishable, 223, 224.
Agreement to pay a sum in result of trial of issue, may be enforced by judgment and execution, 129.
Alien may hold land on lease, not to exceed 21 years, with power of renewal, 398.
 — Naturalization of, enactments respecting, 60-62.

Alien, right to jury *de medietate linguae*, 181.
Alienation of real estate by husband and wife, valid with certain conditions and penalties, 401, 410.
Amendment
 Civil Court.
 — of Record allowed in certain cases, at discretion of Court, 87, 158.
 — in Actions for Ejectment, at discretion of Court, when objections rest upon forms only, 157.
 — Inadvertent mistake in writ may be amended without costs, 124.
 — Irregularity in Writ may be amended on payment of costs, 124.
 — Rejoinder of Defendant may be amended before trial, 128.
 — Plaintiff, plea in abatement for, may be amended, 128.
 — Proceedings in, 128.
 Criminal Court.
 — Dilatory Pleas may be amended, 240.
 — Verdict after amendment of Record shall be of full force, 247.
Appeal from Court of Chancery, Right of, to Privy Council of Great Britain, 80.
 — Summary convictions, how and to whom made, 289.
 — Superior Courts to Privy Council, 82.
 — Stays execution, 82.
Appearance, default of, by Defendant, judgment in consequence of, 101.
 — must be indorsed on Writ, 125.
 — to writ may be entered any time before judgment, 126.
Apprentices, laws referring to, 264.
Arbitration once agreed to, submission not revocable at will, 91.
 — Reference to, has same effect as verdict of jury, 104.
Arbitrator may administer oath, or take affirmation, 92, 119.
Arrearage of Rent may be distrained for by Execution, 91.
Arrest on *Capias*, how discharged, 100.
 — of Judgment, 142.
 — of Electors prohibited for forty-eight hours before and after election, 42.
Arson, penalty for, 212.
Assault (and Battery), summary convictions for, 198, 199.
 — with intent to commit felony, 198, 252.

Assembly, members of, qualification for, 42.
 — Must make fresh declaration of qualification each session, 50.
 — When qualification questioned, how proceeded with, 51
 — Qualification oath, 43.
 — State oath to be taken by, 42.
 Attainder not to bar indictment, unless for same offence, 241.
 Attempted crime, conviction for, may be had on information imputing actual commission, 246, 257.
 Attorneys, in Civil Courts, who recognizable as, 111.
 Auction, sales by, regulations respecting, 479-482.
 Averment, fictitious or needless, not allowed to be pleaded, 130.

B.

Bahama Acts, extended by Separation Act of 22nd March, 1848, 28-36.
 — Currency (See CURRENCY).
 Bail, forging recognizances of, how punishable, 236.
 Balfour town, limits of defined, 396.
 Bankruptcy, effect of, on action, 142.
 Bank, public, ordinance establishing, 527-532.
 Bigamy, punishment of, 197.
 — Exception, when not heard of in any way during seven years, 198.
 Birth, concealment of, how punishable, 197.
 — Registration of, imperative.
 Breach of Police regulations specified, 366.
 Bribery at Elections, regulations to prevent, 41.
 — penalty for, 41.
 Burglary defined, 216.
 — how punished, 216, 232.
 Burial, secret, of child, how punishable, 197.

C.

Capital offences (See PERSON, offences against).
 Catholic (See ROMAN CATHOLIC).
 Cattle Act and Amendments, 353-358.
 Census, enactment respecting taking of the, 555.
 Challenge, right of, in criminal cases, limited in cases of treason, felony, and piracy, 241.
 Chancery and Ordinary, Courts of, general procedure in, 80-82.
 — Execution, how stayed in case of appeal, 80.
 — Ordinance of 19th June, 1849, constituting Court, 80.
 — Powers defined, 80.
 — Right of appeal to Privy Council, 80.
 — Rules made by Court must be confirmed by Legislative Council, 82.
 — Decree of, awarding payment to any person, shall entitle him to recover as judgment creditor, 107.
 Charter, text of the, 11.
 Clergy, enactments defining duties of, 431-437.
 — Passages to Colony, provided for, 433.
 Clerk, theft or embezzlement by, how punishable, 223.
 Civil proceedings in Supreme Court, 83-174.
 Combinations of workmen, enactments regulating, and limiting rights of, 268-273.
 — Form of conviction and commitment relating to, 272.
 — commitment, when member of, refuses to appear as witness, 272.

Common Law of England extended to Turks and Caicos Islands, 16.
 Compensation to families for members killed by accident, 607.
 — Action must be commenced within a given period, 608.
 — not more than one in respect of same person, 608.
 Concealment of birth, how punishable, 197.
 Constable, duties of, 267.
 — Local, 365.
 — Special, 365.
 — Stipendiary, 365.
 Contract of service, definition of, 267.
 — Before Supreme Court, what constitutes, 83.
 — Law relating to, 268-273.
 Conviction, previous, not to be adduced in evidence unless plea of character be set up, 593.
 — may be stated, after conviction for subsequent felony, 593.
 — affects punishment, 242.
 — how to be inquired into, 253.
 — Summary, appeal from, how regulated, 289-290.

Copyright Act, 486.

Coroner, duties of, 238, 259-262.

Corporation Sole (v. ECCLESIASTICAL, ELEEMOSYNARY).

Council, Orders in, of 11th August, 1848, defining limits of colony, 5-11.

— Legislative, modes of election of elective members, 3.

— Re-appointment of elective members of, 56.

— Disorderly conduct in, how punishable, 57.

Counterfeit Coin, penalty for passing, 253.

— Bail, 236.

Coverture, right of, how protected in Law, 86.

Creditor, decree of Chancery awarding payment to, places on footing of Judgment Creditor, 107.

Criminal procedure in Superior Court, code of, 238-257.

Cruelty to animals, enactments defining penalties for, 358-361.

Currency, Sterling money declared money of account, 532.

— Peseta, declaration of reduced value of, 533.

— Relative proportions of Bahama coins, sterling and silver dollars, 533.

Cutting and wounding, penalty for, 252.

D.

Death, sentence of, execution of, must await instructions from Governor of Jamaica, 108.

— may be commuted, and sentence only recorded, 563.

— How affects suit, 140, 141.

— When not to be inflicted on felons, 241.

— of President how provided for, 14.

Debt, Bahama, portion to be defrayed by Turks Islands, 3.

— Promise to pay is invalid if contracted during minority, 83.

Declaration in Civil Suit must be filed by Defendant within ten days after appearance, 101.

— must be filed against Plaintiff within one year after service of summons, 131.

— Traverse of, of Defendant, by Plaintiff, may be either general or separate, 134.

Declaration of libel or slander, 131.
 Deeds affecting land, enactments concerning Registry of, 401-410.
 Default, judgment by, declared final, 136.
 Demurrer, judgment may be passed on, according to right of case, 130.
 — Special, abolished, 130.
 — and plea, may, on leave given, be put in same plea on affidavit of relevancy, 134.
 Deodand, general, abolished, 607.
 — under Coroner's Inquest abolished, 262.
 Derelict goods to be reported, 460.
 Destitute children may be apprenticed, 438.
 Detainer on prisoner for unsatisfied judgment other than that on which confined, 138.
 Disabilities, Civil, of Roman Catholics abolished, 58, 566-577.
 — Coloured and Black subjects, 58-60.
 Documents, parties may be compelled to produce, 119, 138.
 Dog-stealing, penalties for, 219.
 — tax, 483.
 Dower cannot be had out of real estate, not being descent by devise, till claims of creditors are satisfied, 108.
 — not more than six years' arrears recoverable, unless claimed in the interim, 589.
 — Renunciation of, must be recorded, 110.
 — deemed effectual bar, 110.
 — Commission may be appointed to take, 110.
 Duties, schedule of, leviable on imports, &c., 488, 489.
 E.
 Ecclesiastical Corporation Sole, limitation of right to recover rent, 587.
 — Jurisdiction of Bishop of Jamaica, 430.
 Education, enactments respecting, 439-441.
 Ejectment, proceedings in action of, 146-157.
 Elections, mode of procedure at, 44.
 — Out Islands, writs for, may be sent to Justices of the Peace, 44.
 — Duties of Justices in such case, 44.
 — Various modes of procedure in case of recess, death, &c., 45, 46.
 Electors may not be arrested for forty-eight hours before an election, 42.
 — Oath to be administered to, 42.
 Eleemosynary corporations, limitations of right to recover rents, 587.
 Embezzlement, punishment of, 223.
 Emolument, tenure of any office of, disqualifies for seat in Assembly, 49.
 — Schedule of offices so disqualifying, 49.
 Engraved counterfeits—*fac-similes* need not be set forth at trial, 247.
 Error, Court of, general procedure in, 82, 83.
 — Appeal, right of, to Privy Council, 82.
 — Constitution of Court, 82.
 — Decree may be appealed to Privy Council, 82.
 — Execution, how stayed in case of appeal, 82.
 — Interest allowable on all writs of, in delay of execution upon judgment, 90.
 — in law, when does not admit of *supersedeas* of execution, 143.
 — Suggestion of error, memorandum of, 144.
 Estate (See also REAL).
 — of inheritance, what declared to be, 591.

Estate by purchase, 591.
 — by devise, 592.
 Exchange, Bill of, forging engraving of, how punishable, 236.
 — Information on, mode of procedure, 247.
 Execution, how stayed in case of appeal from Decree of Chancery, 80.
 — *Supersedeas* of, when error in law does not admit of, 143.
 Executor (See also WILL).
 — may bring and defend actions before Supreme Court, 85.
 — may distrain for rent in arrears, 91.
 — liable for costs in event of nonsuit, 91.
 Exemption from Duty, Schedule of articles entitled to, 490.
 Explosive substances, punishment for sending with felonious intent, 309.
 Extortion, attempt at, by letters threatening to accuse of infamous crime, 214, 216, 233.
 — by officers of Court, 214.
 — by means of threatened libel, 598.

F.

Fact, Questions of, may be raised without pleading, 129.
 False pretences, obtaining goods by, how punished, 225.
Felo de se, burial of persons on whom verdict of, has passed, 261.
 Finding, special, may be ordered without amending record, 88.
 Fines (See MONEY—penalties).
 Firing wood, timber, &c., penalties for, 343.
 Foreigners naturalized may vote at elections, 41.
 Forgery, Acts relating to, 234-237, 247.
 — Information of, need only aver attempt to defraud, 247.
 — of bail, how punishable, 236.
 — description of instrument need only be approximate, 247.
 Friendly Societies, Acts regulating, 62-68.
 Frontage lots, provisions respecting improvement of, 399.

G.

Gambling, regulations respecting, 352.
 Goods, general regulations as to landing and clearance of, 461.
 — *Ad valorem* duty on, when and how leviable, 462.
 — bonded, 466.
 — Credit for duties on, extended to six months if exceeding £20, 463.
 — Drawback of 90 per cent. on imported goods exported in same packages, 464.
 — Entry of, invalid, if improperly described, 465.
 — must be entered within twenty days, or lodged in Queen's warehouse, 465.
 — seized or forfeited, regulations as to, 468-475.
 Grand Cay, limits of, how defined, 395.
 Grand Turk, limits of, how defined, 396.

H.

Hawking goods, regulations respecting, 361.
 — License for, 482.

Health of Towns, enactments respecting, 372-377.
 Homicide, accidental, not punishable, 197.
 Horse-stealing, punishment of, 218.
 Hospital (See POOR-HOUSE).

I.

Ice, enactment encouraging importation of, 351.
 — Minimum amount to be imported every six months, 352.
 — Privileges granted to importers of, 352.
 Improperly influencing votes at elections, penalty for, 41.
 Incendiarism (See ARSON).
 Incontinency, imputation of, made just ground of action, 237.
 Incumbencies, how limited for certain purposes, 587.
 Indictments, criminal, not barred by plea of attainder, 341.
 Indorsement on contracts not to operate or bar against recovery, 83.
 Information, Criminal
 — may be amended at trial in certain cases, 246, 257.
 — amended, verdict upon, to be in full force, 247.
 — charging stealing, may also charge for receiving goods known to have been stolen, and *vice versa*, 256.
 — for embezzlement, may at option of Court merge in trial for larceny, 248.
 — for misdemeanour may at option of Court merge in trial for felony, 248.
 — for murder, need not state how effected, 247.
 — not to be held insufficient for want of technical expressions, 251.
 — Objections to, how taken, 251.
 — for perjury, how charged, 251.
 — for subornation of perjury, how charged, 251.
 — stating actual commission of crime, may carry conviction for attempt, 248.
 Inheritance (See also WILL), estate of, defined, 590-593.
 Interest, legal rate of, fixed at six per cent., 538.
 — Jury may award, 89, 105.
 — assign damages in nature of, 89.
 — allowed in all cases of Writ of Error in stay of execution, 91.
 Interlocutory judgment, proceedings on, 104.

J.

Joint contractors, verdict recoverable against one or more, 83.
 Judgment may be entered up, any time after eight days has elapsed, 104.
 Jurisdiction of Stipendiaries (See STIPENDIARIES).
 — No exemption from, in action of £5 and under, in Petty Debt Court, 191.
 — Summary, in small sums before Supreme Court final, 102.
 — of, Justices of Peace (See POLICE).
 Jury, enactments regulating trial by, 175-185.
 — *De medietate lingue*, right of alien to jury composed, 181.
 — Disqualification for serving on, 176.
 — Exemptions from serving on, 175.

Jury panel, mode of drawing, 177.
 — Special, regulations regarding, 178, 179.
 — verdict of, not required to be unanimous, save in capital cases, 182.
 — unless unanimous, must be preceded by three hours' deliberation, 185.
 — if not returned in twelve hours, jury to be discharged, 185.
 Justice of Peace, general duties of, 284, 304.
 — protected against venacious actions, 290, 294.
 — Powers of, on preliminary examination of offenders cognizable by Supreme Court, 294-304, 316-327.
 — Stipendiary (See STIPENDIARY).
 Juvenile offenders, mode of trial and punishment, 284-288.

L.

Land (See also EJECTMENT and REAL ESTATE).
 — Occupation of, without title, summary remedy against, provided, 273-277.
 — Process on, in satisfaction of judgment in Petty Debt Court, how levied, 195.
 — Amended Titles to, 393-401.
 Larceny, laws relating to, 215-234.
 — Grand and petit, distinction between, abolition of, 215.
 — Appeal allowed, 230.
 Law, questions of, may be stated for special opinion of counsel without pleading, 150.
 — Agreement may be made on such special case for payment of money and costs, 130.
 — so made, entitles to judgment and execution, unless stayed in error, 130.
 Laws, reprint of, with index, authorized, 539-541.
 Legislature (See COUNCIL).
 Libel, declaration of action for, what to contain, 132.
 — Apology admissible in evidence, in mitigation of damages, 597.
 — by newspaper, what plea admissible and how satisfied, 598.
 — Threatening to publish, or abstaining from publishing, in order to extort money, how punishable, 598.
 — Defendant in action for, entitled to costs on acquittal, 599.
 Lighthouse, general regulations respecting, 519-522.
 — duty, how leviable, 492.
 — Exemption from, 491.
 Lunatics, estate of, may be administered by authority of President; to be confined till friends take charge of them, 340.

M.

Mail Steamer Act, 484.
 Malicious injury to property specified and penalties annexed, 200-208, 211-213, 220-221.
 Man-traps, spring-guns, &c., prohibition against use of, 564.
 Manslaughter, how punished, 197.
 Marriage, enactments respecting registration of, 419-430.
 — When license given by Government, 422.
 — Dissenter may solemnize, 420.
 — Certain *de facto* marriages declared valid, 428.

Marriage must be solemnized within three months of proclamation of banns, 421.
 — solemnized by Baptist missionary prior to 1st January, 1853, declared valid, 430.
 — record may be searched daily, 426.
 — Effect of, on action, 142.
 — Revokes wills made previous to, 74.
 Master and servant, law of, 262-268.
 — Form of contract of service, 263.
 Masters of ships must report arrival before cargo broken, 460.
 — Names of passengers, 339.
 Militia ordinances, 377-386.
 Minor, rights of, how preserved, 85.
 — Verbal promise of third party to pay debts contracted by, not valid, 83.
 Miscarriage, attempts to produce, how punished, 209, 252.
 Misdemeanour, what offences constitute, 252.
 Misnomer, when proceedings not vitiated by, 87, 240.
 Mixed actions upon real estate abolished, 588.
 Money (See also CURRENCY).
 — Base, penalties for passing, 253.
 — chargeable on land not recoverable after twenty years, unless interest paid and written acknowledgment given in the mean time, 589.
 — Description of, in criminal information, 249.
 — may be levied on under judge's order, whatever its nature or the securities invested in, 107.
 — Penalties, certain, declared to be in sterling money, 234.
 — — currency, 41 (note).
 Mortgage to be recorded, 405.
 — Discharge of, 407.
 — First recorded to have preference, if *bond fide*, and for ostensible considerations, 407.
 Mortgagee may bring action within twenty years of last payment of interest, 594.
 Mortgagor, right of, barred against mortgagee, within certain limitations, 586.
 Murder, Punishment of, 197.
 — Information need not state how effected, 247.
 — Accessories after the fact, punishment of, 97, 239.
 — — before, 238.

N.

Negative on laws (See VETO).
 Neglect of plaintiff to bring on cause, 137.
 Night, definition of, for criminal informations, 232, 254.
Nisi Prius, proceedings at, 138.
Nolle Prosequi, entitles defendant to costs, 91.
 — may be submitted in special case, without proceeding to trial, 91.
 Non-appearance of defendant, unless accounted for, may entitle plaintiff to judgment, 125.

O.

Oaths, abolition of unnecessary, 551, 552.
 Offences against the person, 197-200, 208-214.
 Officers, public, appointed by President, 14.
 Ordinary, Court of (See also CHANCERY) procedure in, 81.

Ordinary, Court of, office vested in Judge of Supreme Court, 81.
 — Decrees, how enforced, 81.
 — Costs, by whom regulated, 81.
 Ordinary rules as drawn up by Judge, must be confirmed by Legislative Council, 81.
 Ownership, when necessary to prove in criminal cases, name of one owner shall suffice, 238.

P.

Pardon, free or conditional in certain cases, 232, 242.
 Parishes, division of, how regulated, 431.
 Parsonage at Grand Cay, money realized by sale of, in whom vested, and for what public purpose, 418.
 Passengers arriving from seaward, must have their names reported by captain, 339.
 — not having visible means of subsistence, must be deported, 340.
 Payment into Court, under judge's order when allowed, 87.
 — not allowed in certain specified cases, 133.
 Pension and Superannuation Fund, enactment respecting, 541-545.
 Perjury, what constitutes, 103.
 — Order for prosecution before Superior Court, 250.
 — Subornation of, how charged, 251.
 Person, offences against, 197-200, 208-214, 233-234, 252.
 Personation of bail, 236.
 — of ownership of shares, money, &c., penalty for, 235.
 Peseta (See CURRENCY).
 Petit treason, deemed murder only, 187.
 Petty Debt Court, procedure in, 188-195.
 — Appearance, default of, by plaintiff, 192.
 — Defendant, 192.
 — Appeal from summary convictions in, provided for, 195, 289.
 — Extortion by officers of, how punished, 194.
 — Insulting judge or officers of, penalty for, 193-194.
 — Judgment in, time to be fixed by judge for satisfaction of, 189.
 — Landed property, process on for judgment in, 195.
 — may take cognizance of trespass or trover when costs do not exceed £5, 190.
 — No exemption from jurisdiction for any one, 191.
 Petty Sessions, how formed, 266.
 Piracy, statutes relating to, 196, 595-596.
 — Act extending to colony jurisdiction over, wherever committed, 244.
 — Exceptions to foregoing, 245.
 — Trial for, murder, or manslaughter on high seas, may be had in colony, 245.
 — Right of challenge, limited in cases of, 241.
 Plantation lots, prices of, 395.
 Plea, Supreme Court, civil side.
 — Successive, form of commencement of, 132-134.
 — of nature of set-off may be construed distributively, 134.

- Plea of plaintiff, how traversed by defendant, 134.
 — and Demurrer (See DEMURRER).
 — several, as many as necessary may be pleaded at once under judge's order, 135.
 — Specific, certain, may not be pleaded without leave obtained, 135.
 — — when pleaded without leave may entitle opposite party to judgment, 135.
 — in abatement, 83, 86, 128-131.
 — of prescription may be put in, in case of trespass, 579.
 — Various forms of, 167-172.
 — Supreme Court, criminal side.
 — Dilatory not allowed unless amended, 240.
 — — may be amended at trial, 140.
 — of *Not Guilty*, equivalent to demand for trial, 240.
 — Refusal to plead may at discretion of Court be held equivalent to, 241.
 — of attainder not to bar indictment, unless for same offence, 241.
 Poisoning, attempted, how punished, 209.
 Police regulations, general, 339-372.
 Poor-house and hospital, rules of, 438.
 Ports of entry declared, 458.
 Post-office, ordinance establishing, 523.
 Postponement of trial allowed in certain criminal cases, 246.
 — — in civil suits must not exceed one term, 102.
 Prescription, right by, enjoyment for thirty years declared to confer, 578.
 Presentations, ecclesiastical, in gift of Governor of Jamaica, 13.
 Previous convictions, how inquired into in criminal proceedings before Supreme Court, 253.
 Prison, discipline to be observed in, regulations concerning, 257-259.
 Prisoner may be discharged on order of attorney in cause, 138.
 Profert and Oyer of documents tendered in evidence abolished, 131.
 Prohibition to export certain articles, 490.
 Property, malicious injury to, specified, and penalties declared, 200-208, 211-213, 220.
 — — appeal against conviction for, when allowed to Supreme Court, 205.
 Public bank, ordinance establishing, 527-532.
 — Library, 553.
 — Loans by debenture bonds of colony, regulations touching, 534.
 — Market, regulations of, 442.
 — Officers, how appointed (*v. OFFICERS*).
 — Revenue, officers of, how appointed, 448.
 — Balance to be paid over by Receiver-General quarterly, or as soon as sum collected amounts to £100, 451.
 — Schools, inspectors of, whence to be elected, 439.
 — — Bible to be used in, 440.

Q.

- Quit rents commuted for certain payments, 410.
 — Rates of commutation, 411.

R.

- Real estate, entry on, does not constitute possession, 583.

- Real estate, contingent interests in, alienable by deed, if entail saved, 601.
 — Feoffments, leases, exchanges, partitions, surrenders, or assignments, to be by deed, 600.
 — Freehold in, may be made by grant if proper stamps affixed, 600.
 — How levied on, in petty debt process, 195.
 — Limitation of actions relating to, 580-590.
 — Mixed actions upon, abolished, 588.
 — not by descent by devise, shall not be subject to dower, till creditors are satisfied, 108.
 — Right of action to recover, not barred by any length of adverse possession, pending duration of concealed fraud, 586.
 — Sale and conveyance of, Act to facilitate, 602.
 — Suit in Equity to recover, cannot be brought after period has lapsed at which an action at law might have been brought, 585.
 — When may be taken in execution, 106.
 — When levied on in a civil suit, three months' notice to be given, 106.
 Receivers of stolen goods, how punishable, 225, 227.
 Record may be amended in certain cases, 87, 158, 240.
 Registrar of shipping, fees and duties of, 459.
 Registry of deeds affecting land, enactments respecting, 401-410.
 — Fees and other emoluments appertaining to, 404-408.
 — of marriage, enactment respecting, 419-430.
 Release (sole), substituted for lease and release, 596.
 Resistance by third parties to officers in discharge of duty, how punished, 254.
 Revivor, proceedings in, 139.
 Rewards for stolen property, penalty for offering or advertising, 228.
 Robbery from the person defined, and how punishable, 233.
 Rogues and vagabonds confined in prisons may be deported at discretion, 340.
 Roman Catholic Relief Bill (Emancipation Act), 566-577.
 Rules to expedite business of Supreme Court must be confirmed by Legislative Council, 121.

S.

- Sacrilege, how punished, 216.
 Salaries of public officers of colony, 495.
 — officials', enactments fixing, 546-550.
 Salt, export duty on, 492.
 Salvage (See WRACKING).
 Sanitary (See HEALTH OF TOWNS).
 Sea, protection against ravages of, 555.
 Seamen, enactments respecting, 497-505.
 — Limitation of amount of debt summarily recoverable against, 507.
 — Recovery of wages by, 507.
 Search warrants for recovery of property may be issued by judge, 108.
 Secret burial of child, how punishable, 197.
 Securities of all kinds may be levied on under judge's order, 107.
 Separation Act of Turks Islands from Bahama's, 22nd August, 1848, 1-4.

Sessions, Petty, how to be formed, 266.
Set-off, Pleas in the nature of, may be construed distributively, 134.
Ships arriving, no communication to be held with, until Revenue officer has boarded and returned on shore, 478.
 — not belonging to the Islands, tax on sale of, 479.
Shooting, felonious, with intent, &c., 209.
Silver, Dollar (See CURRENCY).
Slander, declaration of action for, what to contain, 132.
 — Imputation of incontinency made just cause of action, 237.
Special Constables, duties of, and rules respecting, 366.
 — Finding, may be ordered without amending record, 88.
Societies, friendly (See FRIENDLY SOCIETIES).
Spirits, regulations concerning retail of, 344-358.
 — License to sell, 483.
 — Duties on, chargeable according to actual, not nominal, contents, 467.
Statute law, schedule of, applicable to Turks Islands, 17-28.
Stipendiary Justices, and their jurisdiction, 262-284.
Stolen property, receivers of, how punishable, 225.
 — how dealt with, 226.
 — Advertisements; rewards for, how punishable, 226.
Strikes, how punishable, 268.
Suburban lots, price of, 395.
Suicides, mode of interment of, 261, 564.
Summary convictions, appeals from, how regulated, 289, 290.
Superannuation (See PENSIONS).

T.

Taxation Acts, and Ordinances relating to, 479.
Tenant, Theft of chattels by, how punishable, 222.
Theft from dwelling-house, by, or boat, 217.
 — of Record, 217.
 — of chattels by tenant, 222.
 — by clerk or servant, 223.
 — by false pretences, 225.
Third party, representation of credit of, does not constitute contract to be responsible, 83.
 — Resistance to officers by, 254.
Threatening letters, or accusations to extort money, how punishable, 214, 216, 232.
Timber, unlawful cutting of, Act respecting, 341.
 — Vessel laden with, must report cargo, 341.
Town lots, prices of, 395.
Trade, laws regulating, 448.
Treason, what statutes in force, in the colony, 196.
 — Right of challenge of jurors, limited in cases of, 241.
 — Petit, deemed murder only, 197.
Treating, penalties on candidates, at elections, 43.
Trespass and Trover actions for, not exceeding £5, may be tried in Petty Debt Court, 190.
Trial, postponement of in Civil suit, must not exceed one term, 102.

Trust, breach of, by agent, how punished, 223.
Turtling, or turtle-killing, illicit, how punished, 219.

U.

Underwriters, destruction of ship with intent to defraud, penalty for, 207.
Unlawful cutting of timber (See TIMBER).

V.

Vaccination, Ordinance for promoting and registering, 557-560.
Vagrancy, Act for suppressing, 277-284.
Vendue Tax, 480, 481.
Verbal representation of third party's credit does not constitute contract to be responsible, 83.
Veto on all laws and enactments vested in Governor of Jamaica, 13.
Volunteer Rifle Corps (See also MILITIA), 377-386.
Voters, white, qualification of, 8, 53.
 — Coloured, qualification of, 53.
 — Registry of, regulations respecting, 52-56.

W.

Walls and fences must be kept in repair by freeholder, 416.
 — Penalty for refusal to repair, 417.
Warrants, search, may be issued by judge, 108.
Way, right of, after what period indefeasible, 578.
Weights and measures, Ordinances respecting, 443, 444.
Wharfage and storage, Ordinances respecting rates of, 444.
Wife, real estate vested in, how aliened, 401.
Wills, Acts regulating registry of, 69-79, 590-593.
 — Certain exceptions, 73.
 — Probate of, to be registered, 404.
 — in United States, 402.
Wine and Spirits, enactment regulating importation and retail of, 344-361.
Witness, declaration may be substituted for oath in cases of Quakers and Moravians, 565.
 — if interested in suit, evidence admissible under proviso, 89.
 — if plaintiff or defendant in other suits, evidence to be indorsed on record, 89.
 — may be party to suit, 118.
 — not incapacitated to give evidence by crime or interest, 94, 118.
 — not compelled to criminate themselves, 119.
 — Commission may issue to examine, when abroad, 92, 102.
 — may be compelled to attend by Order of Court, 93.
 — Deposition of, not to be read unless unable to attend, 93.
 — Costs of, shall be costs in cause, 93.
 — allowance of, for specific causes, 103.
 — Penalty for disobeying summons by Justice of Peace, 319.
Wrecked property, duty on, 493.

Wrecking license, 484.

— Boat and ship, rules regulating salvage, &c., 507-519.

Writ of Summons, how issued, 97.

— original only in force six months, 120.

— may be renewed after six months, 120.

— must state names of all defendants, 122.

— must declare name and abode of client if required, 122.

— may be issued *concurrent*, i. e., within and without jurisdiction, 124.

— Irregularity may be amended on payment of costs, 124.

Writ of Summons, inadvertent mistake in, may be amended without costs, 124.

— appearance to, may be entered any time before Judgment, 128.

— of Execution in force for one year, 121.

— must, if necessary, be renewed before expiry, 121.

— Ejectment, 164.

Y.

Yacht Squadron, Royal, privileges of, 485.



